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# LIBERTY

WASHINGTON  
D. C.

A MAGAZINE OF RELIGIOUS FREEDOM



# DECLARATION OF PRINCIPLES

*Religious Liberty Association*

We believe in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ; namely, that the church and the state have been placed side by side, each to work in its respective sphere. (Matt. 22:21; John 18:36.)

We believe that the Ten Commandments are the law of God, and that they comprehend man's whole duty to God and man.

We believe that the religion of Jesus Christ is comprehended in the principle of love to God and love to our fellowman, and thus this religion needs no human power to support or enforce it. Love cannot be forced.

We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things; and that in this realm it is entitled to the respectful and willing obedience of all.

We believe it is the right and should be the privilege of every individual to worship or not to worship, or to change or not to change his religion, according to the dictates of his own conscience, but that in the exercise of this right he should respect the equal rights of others.

We believe that all legislation which unites church and state is subversive of human rights, potentially persecuting in character, and opposed to the best interests of the church and of the state; and therefore, that it is not within the province of human government to enact such legislation.

We believe it to be our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe in the individual's natural and inalienable right of freedom of conscience, and the right to profess, to practice, and to promulgate his religious beliefs; holding that these are the essence of religious liberty.

We believe that these liberties are embraced in the golden rule, which says, "Whatsoever ye would that men should do to you, do ye even so to them."

*Religious Liberty Association, 6840 Eastern Avenue,  
Takoma Park, Washington 12, D.C.*

# In This Issue

Vol. 44—No. 3  
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## COVER

Washington's Mount Vernon ..... Color Photo by S. M. Harlan

## ARTICLES

Religious Liberty in the Free Countries .....	5
Church, State, and Freedom .....	12
Child Health—Not School Aid .....	16
Religious Instruction in Federal Schools .....	19
America Not a "Christian Nation" .....	20
Who Won the Battle for Liberty? .....	22
New York Liberalizes Sunday Law (News Note) .....	23

## EDITORIALS

Israel Closes Ports on the Seventh-day Sabbath—Compensation for Unemployment on Grounds of Conscience—Religious Tests in District Barber Bill—Mormons and Religious Education for Public School Pupils—Nuns Teaching in Public Schools—New Mexico and Religion in the Public Schools—Making Christ King—Public Tax Money to Denominational Hospital in Kansas—Religious Affiliation Excluded From Census Questionnaire—Churchmen Oppose Federal Aid—Religious Intrusion Into Politics .....

23

## NEWS and COMMENT

Senate Passes Federal-Aid-to-Education Bill—Sunday Law in Portuguese East Africa—Sunday Law Advocates High Pressure the President—Police Arrest Grocer in Test of Blue Laws—Minnesotans Oppose Bus Transportation for Parochial School Children—County Blue Law Results in Arrest of 3 at Theater—Abuse of the Schools—Indiana Private-School Association Opposes Federal Aid—Catholic Attitude on Federal Aid to Parochial Schools—Last Blue Law Killed—G. W. Professor Violates Blue Law in Baltimore—Mission Schools and Government Aid—An Ambassador to the Vatican?—Utah Sunday Bill Defeated—Public School Buildings Used for Religious Meetings—California Barber Bill—Catholic Congressman Opposes Aid to Parochial Schools—Protestants Propose Cooperation With Catholics on Religious Liberty .....

30

## BACK COVER

The Meaning of the Flag ..... 36

## Our Cover Picture

Interest in the home of our first President, George Washington, and of his gracious wife, Martha, is attested to by the fact that more than 880,000 visitors passed through the gates of this historic mansion last year. Through its spacious rooms and inviting halls played John and Martha, Mrs. Washington's children by her first marriage. Here, also, through the mansion and over the expansive lawn, romped the grandchildren, Eleanor (Nelly) and George. Upon the death of their father, John Parke Custis, these much-loved grandchildren were adopted by George Washington to give them greater security and care.

To his quiet home on the Potomac, Washington returned after two terms of service as President of the new republic. His retirement was of rather short duration, however, for in his beloved Mount Vernon, after a short illness, he passed to his rest in December, 1799.

His tomb, just a short distance from the house, on the sloping grounds toward the river, is of peculiar interest to all Americans, for here lies the patriot who "was first in war, first in peace, and first in the hearts of his countrymen."

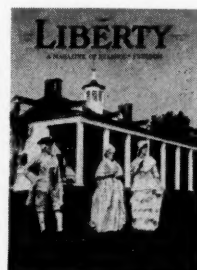
Some time ago our photographers, with a few friends dressed in colonial costumes, visited Mount Vernon. Through the courtesy of the superintendent a number of unusual scenes were made. Some were used in previous issues. One appears on the cover of this issue, and another on the contents page.

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Colonial Visitors Enjoy a Day at Mount Vernon

PHOTO BY S. M. HARLAN







R. PINNEY FROM MONKMEYER





A. DEVANEY

The Skyline of America's Great Metropolis,  
Within Sight of the Statue of Liberty

# Religious Liberty in the Free Countries

By ADOLPHE KELLER

## I. How Liberty Degenerates

*[We present with pleasure this article by the noted Swiss preacher, teacher, and scholar, who is on the faculty of Theology at the University of Zurich. The article first appeared in Conscience et Liberté, the new journal of religious liberty, published in Paris, the first issue of which appeared in the autumn of 1918. This new journal is already being widely read in Europe by men concerned over freedom of conscience. We wish for the editor, Dr. Jean Nussbaum, a welcome contributor to LIBERTY, and for his associates, great success in their new enterprise.—EDITOR.]*

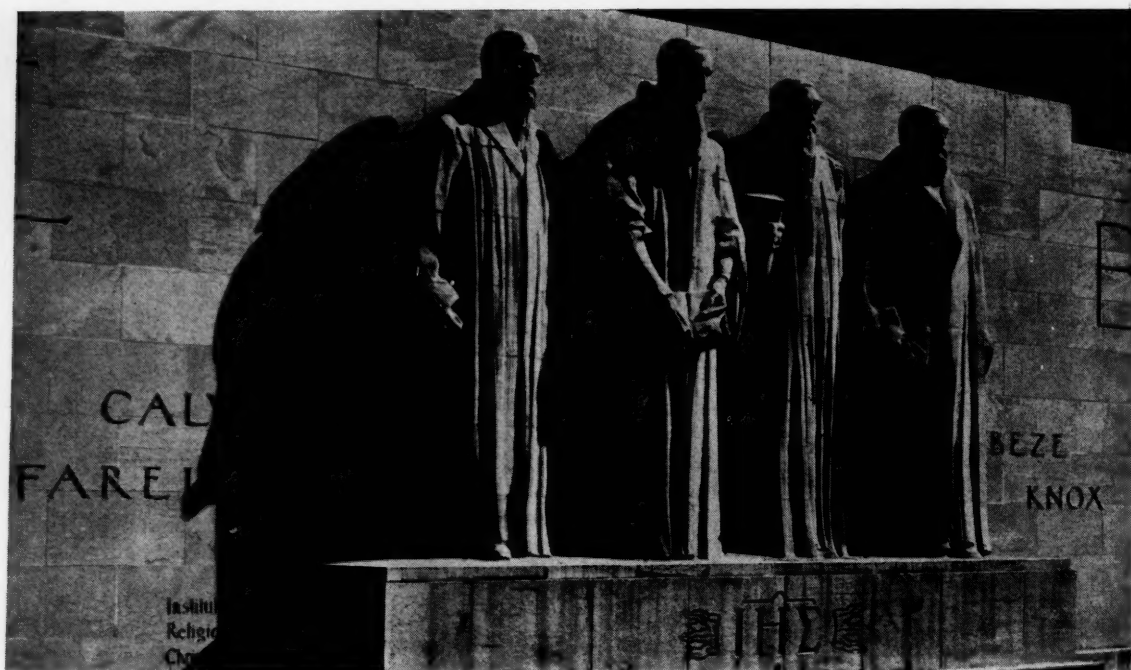
**L**IBERTY DOES NOT EXIST except where men believe in it, and where they are ready to struggle and suffer in order to achieve, defend, and add to this supreme boon of history. Liberty does not follow naturally upon the existence of the human conscience. History has often demonstrated that the perfume of

liberty evaporates from the very moment a nation thinks its liberties have been secured once and for all, and are safely embodied in the national laws and constitutions.

Liberty will not suffer itself to be exploited. In losing its dynamic character, in becoming static—a simple ideal, a phrase, an article of law, even a habit—it becomes a glorious tragedy, concealing a multitude of temptations, illusions, and dangers. Liberty cannot simply exist; it must develop. It is a process, always and everywhere “in statu nascendi.” Religious liberty particularly is in the last analysis an act of faith before it becomes a formula or a definition, or even the postulate of a general policy of liberty. Liberty is rooted not so much in a reasoned idealism as in a religious conviction. The transcendent and clearly religious character of liberty itself must be stressed.

But a comparison of the birth of liberty in the various countries and in their ideological or political systems—a comparison based on the idea of liberty and its motivating forces—shows, as stated above,

←  
Immigrants From Afar and Returning Citizens Can But Be  
Thrilled by Their First View of the Statue of Liberty in New  
York Harbor, a Symbol of Human Freedom



Sculptured in Stone, These Figures of the Sixteenth Century Remind Us of That Great Reformation Movement as It Related Itself to Switzerland. This Noted Work of Art on the Campus of the University of Geneva Features Four Intrepid Leaders of That Great Religious Awakening in the Small Mountain Republic of Central Europe

that it is a process rather than a historical fact. Its evolution seems constantly threatened with abstract ideas, with prophetic visions, which fall a prey to rationalizing intellectualism or to a romanticism which has lost contact with the solid earth of political, social, and religious reality. The grand ideas of the French Revolution expressed in the magnificent motto, "Liberty, Equality, Fraternity," have lost their true meaning, their original power, in the political passions and phraseology and jargon of a new revolution—a revolution which threatens with civil war a large part of modern liberty.

Even religious liberty has fallen far short of achieving all that it promised. The Reformation was certainly one of the great liberating movements. Luther, for example, in the *Freedom of the Christian Man* wrote a true philosophy—one might even say, a theology—of liberty. Man becomes free when he is bound to nothing but to God Himself. Absolute submission to God makes man free of any bondage by means of which human beings would bring their fellow men into subjection.

This profound vision did not endure. It did not yet have enough vitality to produce in public life the liberty which it proclaimed. In the war against the peasants, Luther prophesied that liberty would at the same time become the "devil's advocate" of liberty. He encouraged the princes to kill, ravage, and suppress the liberty for which the ordinary man was evidently not yet ready. By a monstrous misunderstanding, the false prophet Thomas Münzer in

Westphalia justified in the name of the new liberty so disorderly and fantastic a chaos in his capital of Münster that the Reformation seemed to be heading toward anarchy.

Fear of this liberty—or rather of the consequences of a false liberty—forced Zwingli at Zurich to imprison or drown the Anabaptists Grebel and Manz and their followers, by whom the religious liberty taught by Luther and Zwingli was rapidly being transformed into a revolutionary and chaotic "libertinism" which no church or state could suffer.

It is well known that in Calvin's theocracy at Geneva, religious liberty did not exist. The action brought against Servetus, the accusations and persecutions against Castellio and the people of Peney, reveal the Reformers as the bitter enemies of religious liberty in the true sense of the term. The Reformation found itself as unable as the Roman Catholic Church to tolerate the ultimate conclusions which an unleashed imagination or a pathological reasoning might draw from this great movement of freedom. In Switzerland, therefore—a state founded on the principle of liberty—neither the state, the church, nor public opinion recognized complete religious liberty.

A striking analogy may be seen in the United States. The Pilgrim Fathers, after escaping the tyr-

anny of the state and the church in Europe and forming a new community founded on the will of God and the brotherhood of man, did not grant full religious liberty in the new colony of Massachusetts. The Puritans, clinging to the exclusivism of Calvin, would not tolerate in their settlement other convictions than those of their harsh mentor. This Puritan intolerance led directly to the founding of a new state, Rhode Island, where the Baptist Roger Williams, expelled from the Puritan colony, was the first to proclaim the principle of religious liberty and to make it likewise a foundation principle of the state and of public life. The state of Pennsylvania, founded by William Penn, followed practically the same principle.

The constitutional form which finally permitted all the states of the American Union to practice religious liberty was the complete separation of church and state. The state would have nothing to do with the church, while the latter, proud of its independence, kept jealous vigil over the maintaining of the arrangement. It would accept no financial aid whatever from the state, nor would it tolerate the slightest interference on the part of the state in its spiritual affairs. This separation has gone so far that in a number of states not only does the state make no provision for the religious instruction of the youth, but such instruction is not even permitted in the schools. At most, a Scripture reading of strictly stipulated length is allowed. We shall see later whether this separation of church and state guarantees religious liberty and thus anticipates the great postulate of the Italian statesman, Cavour, who envisaged the ideal in the famous maxim "A free Church in a free State."

While America, in adopting this principle, had already opened a new era of human liberty, the old Europe was still dominated by the principle, "His is the religion, who governs." The Reformation had wished the people free, but the state, in order to put an end to religious conflicts, ruled that the nation, in its choice of religion, should follow the religious persuasions of its temporal rulers. Political nationalism and the system of national churches cannot therefore deny a certain kinship, or even identity, if one compares their mutual attitude toward religious liberty. Where this principle was accepted or introduced by force, nothing remained of Luther's great message, *The Freedom of the Christian Man*.

This principle applies wherever an authoritarian religion or an infallible church imposes its official creed on the individual conscience or on the religious life of certain non-conformist minorities. The Inquisition, the Concordats of the Roman Catholic Church with more than thirty countries, the statutes of *Corpus juris canonici* issued in 1918, expressly demand marked privileges, and so far as possible exclude absolute tolerance, or even neutrality or equality, in respect to the various creeds. Where the possibility exists that an authoritarian church, based on the principle that there can be only one absolute and uniform truth, thinks itself able to claim supremacy over all the other expressions of religious faith, it declares itself the official national church and demands that the state support it in its pretensions.

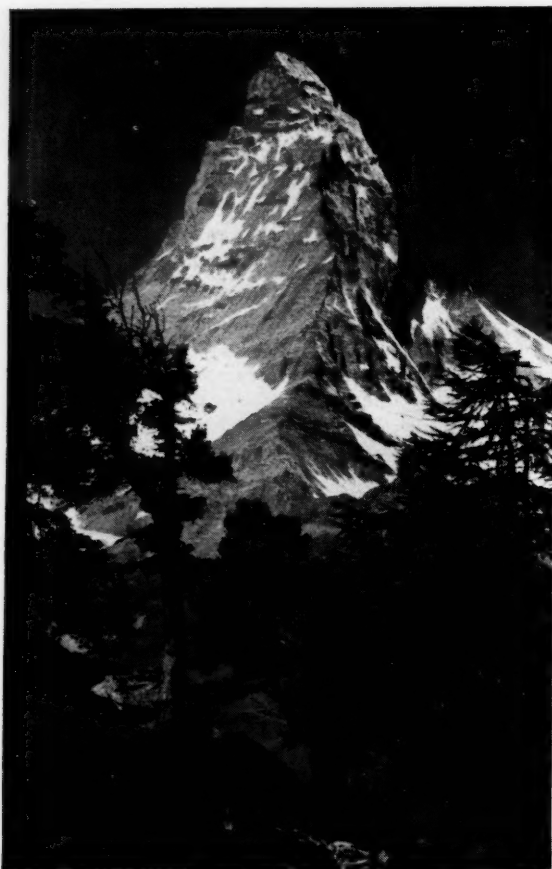
One of the latest examples in modern history is particularly instructive from this viewpoint. Italy set the pattern, in the 1929 treaties between Mussolini and the Lateran, for the new relations between the church and the state. The Catholic religion was declared the national religion, while a special law concerning "I culti ammessi" specified which of the other denominations were to be tolerated, should the occasion arise, alongside the official state religion. For example, the Piedmont Waldenses were recognized as a "culto ammesso," while the Methodists and Baptists were recognized only on certain conditions, or even not at all, as was the Salvation Army. The terms used marked certain important shades of difference. In discussing the 1929 law, the Vatican would have preferred to speak of "tolerated cults." It seems that the state insisted on the term finally adopted by that law, "I culti ammessi," since it marked a little less strongly the contrast between the authoritarian church and the postulate of tolerance everywhere adopted by modern countries.

Will a state which guarantees to its people all the civil liberties, necessarily also grant complete liberty

**A  
FREE CHURCH  
IN A  
FREE STATE**

**A Great Ideal  
Envisaged by the  
Italian Statesman  
Cavour**





Who Has Not Heard of the Matterhorn, That Towering Mountain Peak in the Swiss Alps? We Trust That the Principles of True Freedom Will Rise as High in the Minds and Opinions of Men Everywhere

for the religious life of its members and its free expression in public life? If not, where is the motive for such restrictions to be found?

## **II. The Fight for Religious Liberty in the Free States, Especially in Switzerland**

If there is one country in the world seemingly predestined by the temperament of its people, by its history, and by its democratic structure, for the protection of religious liberty, it is Switzerland. Since 1291, the small federate states have been animated by a rare spirit of independence, not only in the face of the temporal power of Austria and her continental imperialism, but also when confronted by spiritual forces: the Church, the Pope, the clergy as a whole; thus, the conflicts of primitive Switzerland with the Vatican, the defense of individual and cantonal liberties against the demands of the Curia in its rivalry with the Episcopate of preceding centuries.

The Reformation seems to have strengthened the desire for liberty and to have enriched its traditions.

The Reformation in Switzerland, under the leadership of Zwingli, Calvin, Bullinger, and others, was undoubtedly not only the most international but also, except for certain sects, the most radical of the reformatory movements. It was the most radical in its abhorrence of all easy compromise between a conservative religious tradition and the revival of evangelical Messianism in the Christian conscience.

The Confederation of free states in Switzerland had before the Reformation neglected and practically annulled the liberty on which it had been built. For, as the free states made conquests to protect or to enlarge their lands, they annexed and subjugated the occupied territories. Liberty was no longer contagious. A people conquered by force of arms was at the same time subjected to the violation of its religious conscience and had often to accept a religion not originally its own.

After the French Revolution, which abolished the Old Regime and broke the chains of its political and religious despotism, the new Switzerland, in the middle of the nineteenth century, interpreted its own principle of liberty in a new spirit, liberal and even radical. In 1848 the Confederation, after a short civil war, adopted a new constitution, revised and enlarged in 1874, which might be viewed as a rebirth of the ancestral freedom and a revival of the liberating message of the Reformation. But even this constitutional reform did not yet dare to proclaim religious liberty in its profound and general sense. The Jews as well as certain sects—the Pietists, and especially the Jesuits—were excluded from the enjoyment of the recovered liberty. Even today the Swiss Constitution forbids the Jesuits and similar orders to undertake missionary activity in the country or to found new pedagogical institutions. The inequality on the part of a free state in applying the principle of religious liberty remains to this day an element of discord between Catholics and Protestants in Switzerland. The result is a conflict between faith in liberty, and its reconciliation with political necessity.

Especially in the conflicts following the adoption of the new constitution in 1874, it was not so much the Protestants who complained of intolerance as it had existed during the period of the Inquisition and the wars of religion, as it was the Catholics who complained of the intolerance of the liberalism and radicalism which had gained the victory in 1848 and 1874. The battles for the new constitution were not only a defense of conservatism but a passionate struggle for true and complete religious liberty.

The example of Switzerland shows that religious liberty does not exist once for all—it *develops*. Liberty is rather a liberation, a continuing process, and not a final and immutable fact. The stages of the struggle in Switzerland were, first, the adoption of the principle of equality between the various religions; the application of the principle of neutrality in regard to religious questions; the separation of church and state; and, finally, a certain collaboration between the two bodies. In several Swiss cantons, the state has eliminated the budget for religious cults without depriving the church of its historic rights or of its property. In the canton of Basel, the state completely divorced the church, at the same time granting it an indemnity and an initial working capital. The state even cooperates with the church in helping to collect its taxes. Such a tolerance resulted from a re-examination of the problem of church and state, and especially from further reflections on the true nature of each of these two collective forms.

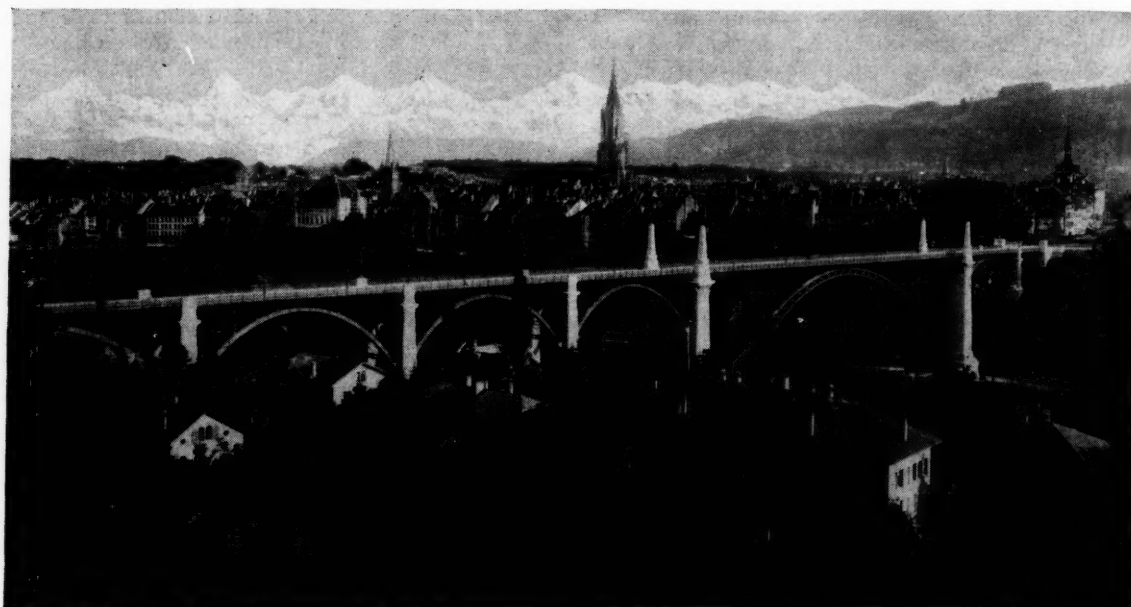
In France the discontinuance in 1905 of the budget for religious cults was not merely a financial measure, but the suppression of religious liberty by the secular and modernist spirit. This conflict between two philosophic conceptions naturally developed, at the same time, into a conflict between church and state.

In Italy the struggle between the various groups was even more pronounced. Even while changing its nature according to the country and the epoch, the conflict remains the same. In the final analysis, it

is one of the great problems of history. What strange alterations it can undergo, we see in Italy at the present moment. Religious liberty is there guaranteed under articles 3, 7, 8 and 19 of the new constitution. The latter states that all citizens, whatever their race or religion, are equal before the law. All have the right to hold their own faith, to propagate it, and to practice it in a private or public manner. In short, it is religious liberty as declared by a modern free state. However, this liberty is at the same time limited by the fact that the Lateran treaties of 1929 have been incorporated in the new constitution of 1947 and are a part of it. These treaties declare the Roman Catholic religion to be the only official and national religion. "I culti ammessi," that is, not Roman Catholic, enjoy only a relative toleration. Liberty has been completely refused to some denominations of foreign origin. The state and its spokesmen have refused some minorities even the husks of liberty of conscience, of worship, and of propaganda. Today therefore we face the grotesque situation in which the constitution of a modern republic at the same time grants and denies religious liberty. In principle it is granted, but it is denied by the insertion of the Lateran articles in the constitution. Everything will now depend on the spirit in which these articles are applied. The struggle continues.

Such restrictions of religious liberty are, moreover, found everywhere, even in those countries which think they have achieved Cavour's ideal, "A free Church in a free State." The new Italian constitution expressly states that freedom of worship is granted in so far as its exercise is not contrary to the public right. Some of these limitations are justified

A View of Bern, the Capital of Switzerland. This Beautiful City is Situated in the Basin of the Rhine. Between Two Mountain Systems. It is in Perhaps the Most Populous and Best-cultivated Section of This Interesting and Democratic Country



THIRD QUARTER

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***"The Truth Shall Make You Free,"  
Said Christ to the Believing Jews of  
His Day, Recorded in the Gospel of  
John***

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on the ground of public order, peace between religious bodies, and moral sentiment. No modern state, for example, would tolerate a cult of which nudism is a feature, or polygamy, or practices of worship which disturb the peace of other denominations, or a religion which might encourage revolutionary tendencies. Thus even the United States reserves the right to limit religious liberty when religious activities lead to violations of law protecting public order and moral dignity.

Intolerance knocks at the door wherever a principle of absolutism takes possession of the ideas and the hearts of men. Such an absolutism on the part of the state led to the religious wars, especially in France, where in 1905 a free state abolished not only the budget for religious cults, but also religious liberty.

Absolutism in the Catholic Church imposed intolerance as an application of the principle of authority over all forms of worship not recognized by the church itself. The absolutism of modernism and of paganism is not less rigid or uncompromising, as has been demonstrated by the attitude of certain political parties in Switzerland and in Germany. The absolute cannot be tolerant. In the Catholic Church, absolutism hurls its anathema against all who separate from her. In the Protestant creeds, for instance in the Second Helvetic Confession ("damnamus secus docentes"), absolutism condemns all those who do not subscribe to the prescribed dogmatic formula.

An absolutist and totalitarian spirit, such as is actively manifest in the materialism and Bolshevism of our day, persecutes all who do not yield to the doctrine of a political party or to its ideology. Absolutism must therefore be resisted when it exceeds its domain.

This does not mean that absolutism must be abandoned in religious matters. Should not the Christian religion have an absolute truth, since it comes by revelation? Would it still be Christian if its truth were only relative? How then is liberty to be combined with absolute truth? The modern state has renounced the absolutism which had dominated the seventeenth century. The liberal movement in the Protestant churches sacrificed the absolute to the relativity of subjective judgment. In so doing, it fell into that exaggerated individualism so wittily ridiculed by Coleridge, who said, "I belong to that holy and infallible church of which, at the present time, I am

the only member." What is the solution to the conflict between a church of authority and a church of liberty, between a totalitarian state which suppresses religious liberty and a modern state which tolerates it? How are we to give rightful place to the absolute, which threatens liberty, in the midst of a relativist world which does lip-service to liberty even while destroying the very essence of faith in a supreme and sovereign God?

### **III. An Examination of the True Foundations of Church and State**

In order to penetrate more deeply into this conflict, some reflection must be given to the nature of the state, according to Christian doctrine, and, further, to the church in its relation to the truth it proclaims. Modern theology, both Catholic and Protestant, is examining this problem with fresh zeal. Rousseau's theory, interpreting the state as the result of a social contract, has been abandoned by Christian thinkers just as definitely as has been the absolutist theory of the state. The state is neither a god nor a movement of masses finally stabilizing itself through an agreement between individuals. Christian thinking considers the state as ordained by God Himself, according to Romans 13, for the purpose of protecting life, the rights of man, justice, and liberty, and of punishing wrongdoers who set themselves in opposition to this divine order. The state is not the Absolute, but the Absolute gives the state its reason for existence and the necessary authority.

The state is thus placed in subordination to the supreme will of God as Creator, just as the church submits itself to the same will of God as Redeemer and Saviour. Both church and state have their distinct functions. The state protects society and order, not on its own authority, but in the name of that supreme authority to whom it is responsible. Nevertheless, the state can neither pray, believe, nor repent; can neither love nor hope; nor is it, like the church, the bearer of a transcendent message. Its domain is temporal, not spiritual. One of the conditions of religious liberty is that the state respect this boundary. Knowing its limitations, it will not meddle in religious affairs, Christian beliefs, nor the inner life of the church.

As for the church, it was founded, according to Christian doctrine, by an act of the Spirit of God moving in the hearts of men and choosing them from among a corrupted world, unto salvation, in order to form a superior society among mankind, a unique institution in which liberty, justice, and brotherhood may become a spiritual reality.

These, in a few words, are the Christian conceptions of the church and the state, so vitally important



in forming an idea of the possibility of religious liberty, which is the result of a battle fought by thought, truth, and faith.

These Christian conceptions clash continually with the materialism of the natural man and with that age-old spirit which has developed especially since the enlightenment and emancipation of reason, since Descartes, Rousseau, and Kant.

The state is in desperate need of a new political philosophy which will give it a spiritual foundation and will justify its moral authority. It needs this if it is to fulfill its task of defending the right, protecting the weak, and watching over liberty and justice. But who will protect a minority in a free state against a malicious interpretation by its own judges—for example, against the intolerant attitude which declares that the opening of a Protestant chapel would disturb the public order? Or who will protect a religious minority which desires to establish a denominational school, but, as in Italy, cannot obtain from the free state the authorization provided for by the law, even on the petition of three hundred children or their parents? A supreme court would be needed, perhaps forming a part of UNESCO, to watch over the interpretation of religious liberty and its application in the various countries.

Three rules might be laid down which would always serve to open new paths to liberty, the true liberty which we hope one day to enjoy:



F. L. HAMILTON, FROM F. LEWIS  
How Exhilarating Is the Atmosphere of the Open Spaces When Man Is Free! No Righteous Law of God or Man Can Take That Liberty From Him Except Through His Own Disobedience

THIRD QUARTER

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### ***"Where the Spirit of the Lord Is, There Is Liberty," Said the Apostle Paul to His Corinthian Brethren***

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1. To establish a definition of religious liberty which would not be content with stating in general terms and very vaguely that "religious liberty" means "liberty for one church only." On the contrary, it must be explicitly stated just what is meant by that term. It will therefore be necessary to determine whether "religious liberty" includes, in detail, liberty of conscience, of worship, of education, of the press, of public assembly, of propaganda.

2. To set up within the UN organization a superior council, made up of laymen and clergy, which would upon demand give an official interpretation of liberty in disputed cases, taking into account the absolute character of certain claims, as well as the necessity of assuring that religious harmony which is guaranteed and indeed indispensable in a free state. It need not be stated that such an "advisory council" would not have the right to impose its judgments upon the parties concerned.

3. To make a new and world-wide study of the religious foundations of the state and, naturally, of the church and its relation to the state. As to the church, it is not ignorant of her foundations. It has many times explained them to the believing world.

What we need is a new code of political ethics, as an indispensable basis for human society. This the church offers in its doctrine of the church, and there is no great difference on this point between Catholicism and Protestantism.

The Roman Church, in recent encyclicals from Leo XIII to Pius XII, especially in "Rerum Novarum," has proclaimed the order of creation as such a transcendent basis for state and liberty. On the other hand, the Reformation, in placing man and society under the sovereignty of God and of His Son Jesus Christ, liberated man from the tyranny of the state, its covetousness, and its will to power. Thus the Christian religion, following the Bible, reminds the world of today, over which centuries have passed, that liberty is neither the fruit of man's natural goodness nor a favor granted by the absolute authority of magistrates, but rather a free gift of God, which man can accept or reject, as he can accept or reject truth. "The truth shall make you free," said Christ (John 8:32), and, "Where the Spirit of the Lord is, there is liberty" (2 Cor. 3:17). It is, then, with reason that the Christian sees in Jesus Christ the true surety of all human liberty, and in religious liberty the germ and the indispensable condition of all other liberties.

# Church, State, and Freedom

By MARSHALL WINGFIELD, D.D.

**T**HIS ARTICLE ORIGINATED in the second national conference on UNESCO held in Cleveland in early spring. As a delegate to that conference, I spoke from the floor against a proposal to give the churches the same connection with UNESCO that is sustained by other affiliated institutions. I argued that such a relationship would quite likely prove hurtful to both the churches and UNESCO, since history holds no exceptions to the rule that close tie-ups between political and religious institutions are destructive of the liberties of the people. I pointed out the widespread criticism of United Nations and UNESCO for their failure to open their sessions with prayer, though sessions could hardly be so opened, since ministers of various faiths participate, and at least one group of them is hostile to the idea of equal sharing with other ministers of religion and especially to such sharing with "the successors of those who disrupted the ancient unity of the church."

In pointing out the folly of needlessly introducing points of friction where, inevitably, there will be too many such points of tension, I spoke not as an anti-Catholic but as an ardent believer in separation of church and state, which belief is not ardently shared by Catholics. I have no quarrel with the Roman Catholic Church *as a church*. On the contrary, I would defend its right to be free just as vigorously as I would defend the evangelical right.

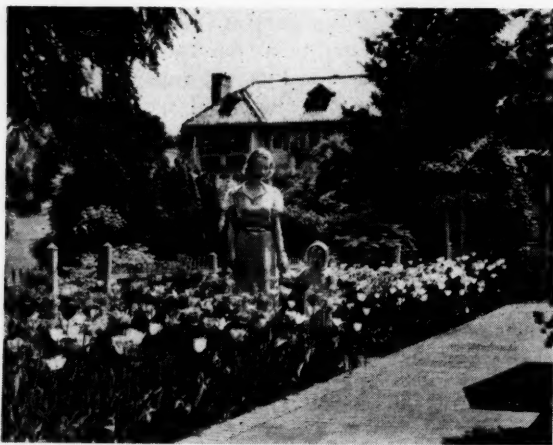
If asked for evidence beyond this assertion of friendliness toward Catholicism, I could point to my visitation of military establishments during the war, in company with a Jewish rabbi and a Catholic priest, in the promotion of tolerance and understand-

ing. I could also point to my work as founder of the Memphis Round Table, which serves the same purpose. With much of Roman Catholic theology and liturgical practice I agree. With its ancient and unchanged position on the relation of church and state I disagree with all my heart, holding that the position is the greatest menace to freedom.

At the conclusion of my remarks before the UNESCO session, the editor of this magazine, himself a delegate to the conference, came across the hall to express approval and to offer a place in the magazine for an elaboration of the remarks. The offer was met with cordial and instant acceptance since, as a long-time reader and admirer, I have regarded *LIBERTY* as one of America's great printed champions of the principle nearest to my heart—religious liberty.

In many places and among powerful groups a great change has taken place with respect to religious liberty. In areas where we thought such liberty was rapidly being recognized as man's inalienable right, we discover other ideologies claiming control over human destiny. We Americans consider that the struggle with political power and priestly control was won for us by our fathers. In a certain sense this is true. It is equally true, as Goethe's *Faust* declares, that "what we have inherited, that we must earn in order to possess, for he alone deserves freedom who daily conquers it anew." The interests of the state, the church, the general community, and the individual are never in complete harmony. Just now the question of man's final loyalty has been sharpened by insecurity and war, and the interests of each national state are being interpreted more and more as a right to command the ultimate devotion of its members. Such totalitarian developments should cause those who still have religious freedom to prize it more highly and to safeguard it more carefully.

Since close relationships of church and state have inevitably brought about the much-to-be-dreaded totalitarianism, it should not be too difficult to understand the determination of lovers of liberty, that the public schools shall not be made the first point of departure from our Constitutional stand on church



H. M. LAMBERT





H. M. LAMBERT

In the Home, Away From the Busy Activities of the World, One Can Gather Strength, Both Physical and Spiritual, for the Duties of the Morrow

and state. It is well known that Pope Pius IX in his Syllabus of Errors, issued December 8, 1864, declared that the public schools must not be separate from the faith of the Roman Catholic Church (No. 48), that church and state should be united (No. 55), and that the Roman Catholic religion should be the only religion of the state (No. 78).

A consideration of these facts led to the recent suit in New Mexico in which the judgment rendered will take 143 members of the Catholic teaching orders out of 25 public schools and take 16 public schools out of Catholic-owned buildings and cut off \$375,000 a year which the Catholic Church at Santa Fe has been receiving out of public tax funds for parochial schools. Other judgments granted will prohibit free bus transportation by the state to students in parochial schools; prohibit purchase of Catholic-school-only books by the state; prohibit the furnishing of free textbooks to parochial schools; prohibit the teaching of sectarian doctrine in any tax-supported school; prohibit the holding of public school classes in rooms where religious or sectarian symbols are displayed; prohibit payment of persons teaching sectarian doctrines.

Advocates of separation of church and state are amazed at the toleration by New England, with her ultra-Protestant background, of a situation which was intolerable in Catholic-enviored New Mexico. In two

public schools of New Haven, Connecticut, 22 of the teachers are Roman Catholic sisters. Although they wear religious garb, they teach regular grade school subjects and their salaries are paid out of public school funds. In the Hamilton Street school with 888 pupils and 39 teachers, 15 of the staff, including the principal, are Sisters of Mercy. In the Highland Heights school with 305 pupils and 10 teachers, 7 of the staff, including the principal, are members of the same order.

In view of the official Catholic attitude toward America's public schools, one wonders at this connection of the teaching orders of the church with such "a godless system." Nowhere has the Catholic attitude had clearer expression than in Father Paul L. Blakely's tract, *May an American Oppose the Public School?* which appeared in 1937, under the Imprimatur of the late Cardinal Hayes. Father Blakely goes so far as to claim that Catholics have a duty *not* to pay taxes for the support of the public school. He insists that Catholics pay school taxes under protest, not as an admission of a just obligation. He holds that the public school system is bad in principle and bad in its ultimate consequences. He contends that not a single American who signed the Declaration of Independence or helped compose the Constitution ever attended a public school. Such a statement is



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**Tolerance is a high-sounding word which can be made to cover a multitude of moods from charity to contempt.—**  
**Albert E. Suthers in *Christian Century*, April 6, 1949.**

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deceptive, because there were no such schools in those days. Father Blakely asks, Is a Catholic free to attend a non-Catholic college? Answering, he says, No, since the only school fit for a Catholic is a Catholic school, whether it be a kindergarten or a university. To be a Catholic school, the school must be Catholic in its principles, aims, programs, teachers, and in its submission to the rule of the church. Since the church command is for every Catholic child to attend a Catholic school, discussion is at an end and obedience alone remains.

Despite this official pronouncement, the hierarchy seems to encourage Catholics to teach in public schools, to become members of public school boards, and, according to the Five Encyclicals of Pope Pius XI, to serve as protectors of the church's interests. The exercise of this right, says the hierarchy, should not be considered interference. Catholic teachers in public schools must not forget, even while teaching, that the church school is superior. To all such teachers the hierarchy said in 1929: "The Catholic and non-Catholic school systems are absolutely irreconcilable. . . . A teacher never is and never can be a civil servant, and should never so regard himself. . . ."

A code for Catholic teachers in public schools was written by Father Francis J. Connell under the title "Morals in Politics and Professions," and published under the Imprimatur of Archbishop Curley in 1946. In this volume the Catholic teacher is instructed to bring his own Catholic Bible to school and read it when school custom calls for Bible reading. Where the Lord's prayer is used the Catholic teacher must refrain from reciting, "for Thine is the kingdom, and the power, and the glory, for ever. Amen." These words, being from the King James Version, have a Protestant connotation, and their use constitutes an implicit approval of heresy. When a textbook contains statements about the Catholic Church that reflect discredit on the church, the Catholic teacher must bring out the truth. It would be deplorable if a Catholic teacher allowed a calumny on the church to pass unrefuted because of fear for the security of position or dread of being regarded as bigoted. The Catholic teacher must give the solution taught by the Catholic religion to problems of a moral or social nature which

may be discussed in class. Neither in the classroom nor in associations with teachers of other creeds, may the Catholic teacher use expressions savoring of indifference. Although the Catholic teacher may support the American practice of giving equal rights to all religious persuasions, she should carefully avoid giving the impression that she is thereby condemning those countries where religious restrictions are legal and customary. She must not imply that all religions have a natural right to exist and to make converts. The Catholic Church teaches that only the true religion has such a natural right.

The implications of this school-church tie-up are not seen until one sees what union of church and state may mean. Union of church and state may mean that the magistrate supervises religion. The Second Helvetic Confession (1566) says that "the care of religion does chiefly appertain to the holy magistrate." The Belgic Confession (1561) says the magistrate is to "protect the sacred ministry, and . . . remove and prevent all idolatry and false worship." The Westminster Confession (1647) says of the civil magistrate: "He hath authority, and it is his duty to take order, that unity and peace be preserved in the Church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered and observed." In the early seventeenth century of my native Virginia the magistrate even supervised the personal habits of the clergy, declaring that "ministers shall not give themselves to excess in drinking or riot, spending their time idly by day or night, playing at dice, cards or any other unlawful game, but at all times convenient they shall hear or read somewhat of the Holy Scriptures."

On the other hand, union of church and state may mean the domination of the state by the church. The Roman Catholic Church is also a political organization. When the word *church* is used in Catholic literature, it may refer to the political entity or the religious one, or both. The Catholic Church is a sovereign power. The pope's temporal state has a government of its own, with a flag, a police force, courts, and postage stamps. It even issues currency in the form of gold and silver coins bearing the effigy of the pope. The government of this state is not democratic. The constitution and courts of the Vatican State do not provide any check upon the absolute power of the pope. The church's philosophy of church and state is the most important thing in the whole Catholic system. It determines the political and social policies which the bishops and priests pursue throughout the world. It is a variation of the doctrine of the divine right of rulers. "The origin of public power," said Leo XIII in his *Christian Constitution of States*, "is to be

sought for in God, and not in the multitude." The authority of the church is paramount because the church is God's vicegerent on earth. The authority of the state is decidedly secondary. The Roman Catholic Church does concede that the state has supreme power in military matters, the punishment of crime except that of priests, the collection of taxes, and the preservation of public order. But "in cases of contradiction," says the *Catholic Encyclopedia*, "the jurisdiction of the Church prevails, and that of the State is excluded." Behind the Catholic theory of church and state is the assumption that the state is something over against the people. It is not the people themselves as the church is. Hilaire Belloc says: "Religion must be for the Catholic first a supreme authority superior to any claims of the State; secondly, a corporate thing, and not an individual thing; thirdly, a thing dependent upon Authority, and not upon a personal mood; fourthly, a guarantee of individual freedom in all that is not of Faith." Belloc admits that these principles are in fundamental conflict with the American outlook, and that a monstrous struggle may develop because, "on the one side you have a plain affirmation that the law is the law and must be obeyed, and, on the other, you have resistance to and denial of that rule."

Separation of church and state means equal status for the church with private societies, freedom for the church to conduct its affairs according to common law, dependence of the church upon the free will of its adherents for its support, and reduction to the minimum of all relations with the state.

Religion violates the principles of freedom when it invokes the sanctions of civil power to enforce its teachings and decrees or restricts freedom of itself without invoking civil sanctions. The state violates religious freedom when it restricts the church or when it extends cooperation to a dominant religious community and sufferance to others. Religious liberty prevails only when all persons are able to pursue whatever they may regard as the highest spiritual aims, individually or with kindred minds, without hindrance from church or state, provided such pursuit does not contravene the peace, good order, and morals of society.

An example of restriction is contained in Article 17 of the Soviet law of April 8, 1929, which reads: "Religious associations are forbidden: (a) to establish mutual aid funds, cooperative and productive associations, and in general to use the property at their disposal for any other purpose than the satisfying of religious needs; (b) to give material aid to their members; to organize either special meetings, groups, circles, departments, biblical, literary, handworking, labor, religious study, and so on, and also to organize excursions and children's playgrounds, to open li-

braries and reading-rooms, to organize sanatoria and medical aid. Only such books as are necessary for the performance of services are permitted to be kept in the church buildings and houses of prayer."

In every instance of close relationship between church and state dissenting groups have suffered. There are no historic exceptions. One does not have to go to remote periods to find illustrations of the difference between the position of the privileged and that of the tolerated. One may find a Spanish order issued as late as 1940, which decrees that "through a generous tolerance of religious opinions of foreigners who reside in our country, in so far as they are not opposed to Christian morality or infringe upon police and health regulations, foreigners may continue to gather in chapels in which rites and ceremonies dissident from the Catholic religion are celebrated." The "generous tolerance" further orders that foreigners "must withdraw from the walls, entrances, doors and other visible places any lettering, emblem, flag or other sign which might lead to confusion of the said chapels with churches of the Roman Catholic religion." In Spain, the Roman Church desires not religious liberty but monopoly. The temper of the Inquisition still lives.

Lest someone might charge me with lacking objectivity, let me refer to my own church—the Congregational Christian. Its first group came to these shores in 1620 to escape persecution of the state church, but it became a state church in the early days of New England. This wicked coalition gave Congregationalists the only period in their four-hundred-year history of which they are ashamed. As a state church, Congregationalists drove Roger Williams from Massachusetts to Rhode Island, where he became the father of the Baptist Church in America. Today the spirit of Roger Williams, and not the spirit of those who drove him out, represents the spirit of both Baptists and Congregationalists. Both join in saying that religious liberty is an inalienable human right and an indispensable condition of the advancement and happiness of human society. To be true to the very genius of our country, the American citizen must exercise himself to the utmost in maintaining

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**"Though many dead bodies lie in the path to religious liberty, the light and spirit of martyrs never dims. The candle of religious freedom will never go out."**

**—Hon. Tom C. Clark, Attorney General of the United States, in an address before the Hibernian Society of Baltimore.**

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religious liberty for his Jewish neighbor, his Catholic neighbor, his Protestant neighbor, and for everybody else. Any deprivation of this right is a wrong to be resisted. Any form of compulsion toward the holding

of any particular religion is an iniquity to be abhorred. Any restraint of the free exercise of religion or any human punishment for the neglect of all religion are evils to be exterminated.

## CHILD HEALTH- Not School Aid

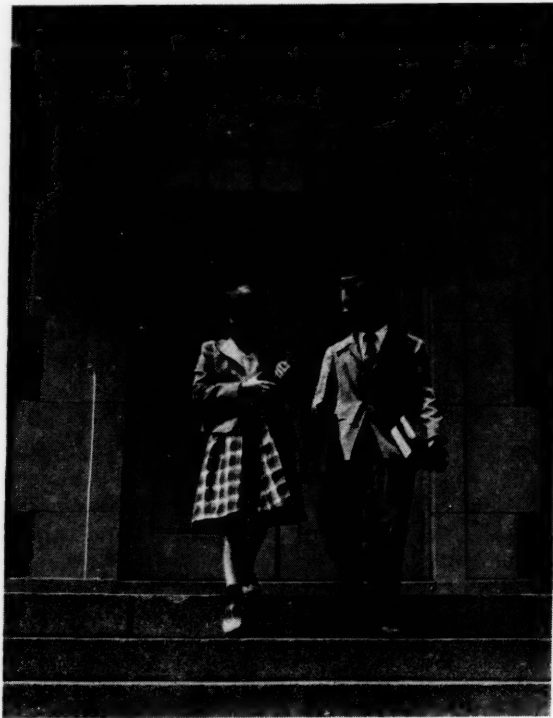
**T**HE SENATE IS BEING ASKED to approve a bill which gives \$35 million a year to the states to benefit the health of children of school age. This "National School Health Act of 1949" has bipartisan sponsorship. It appears over the names of Senators Lister Hill of Alabama and Paul Douglas of Illinois, Democrats, and Robert Taft [of Ohio], and H. Alexander Smith of New Jersey, Republicans. It calls for health services for children attending non-public as well as public schools. Poorer states would be aided more than wealthier ones, and the children of minority races would reap benefits in exactly the same proportion as the children of white parents.

If the purpose of this bill is to improve the health of children, that purpose should be clearly expressed so that it will command the widespread support it deserves. Children should have the best the nation can offer. Adequate health services for their growing years may make all the difference between well-being and misery throughout life. Facilities for medical and dental care are not equally available in all places in the country or among all classes and races of the population. An effective federal program of curative and preventive health measures, supplementing what the states can offer, deserves wholehearted public approval, even if it costs many times \$35 million, which is about the current price of one medium-size cruiser. The only thing that is shocking about federal aid to child health is that its inception has been delayed so long.

But is this bill a measure for aid to children or to schools? Its language leaves that important question open to doubt. It is named by its sponsors the "National School Health Services Act of 1949." While it purports to serve children, its language from beginning to end confuses children with schools. Our first point is therefore that it is highly important that this confusion be cleared up. If the purpose of this bill is to aid sectarian as well as public schools, that fact should be clearly stated. If it seeks to benefit children, then it should be given another title and all references to assistance to schools should be deleted. The significance of this distinction becomes apparent when the history of the measure is understood.

The bill under discussion is presented as a separate proposal because the National Education Association objected to the inclusion of its provisions in S. 246, the federal aid to education bill now before Congress. It was designed in part to appease the Roman Catholic Church, since the services it extends are to be equally available to parochial and public schools. It is intended, however, that the two measures shall be considered together, and there is real danger that the dubious and equivocal health bill will ride through Congress in the wake of the education measure. This would be highly unfortunate because the bad drafting of the former is certain to lead to abuses.

The only schools which federal or state governments are in position to aid are public schools. The granting of health or other welfare services must not



H. M. LANBERT  
Good Health, so Far as Society Can Provide, Is the Birthright  
of Every Child



be permitted to become a cloak for opening the public treasury to sectarian schools. This point must be kept clearly in mind, and it should not be blurred or brought into question in any legislation. The children of Roman Catholics and of parents belonging to any other church are entitled to share equally in the benefits of legislation intended to improve health or welfare. But the schools of the Roman Catholic Church do not stand on an equal level with public schools, and Congress should be the first body to recognize and maintain this distinction. If any school receives incidental benefits from this bill, these benefits should be firmly confined to the public schools.

Second, the method prescribed by this bill for the allotment of funds is needlessly complicated. Its abstruse formula for determining allocations to the states can be understood by nobody but a mathematician. The reasons for this obscurity can only be inferred, but it is probably designed to confuse the opposition that may arise from states which will have to pay the larger part of the cost but will receive smaller benefits. The bill should be amended so that it states precisely and simply what it proposes to do.

Third, the measure contains an unnecessary and dangerous provision which would nullify and break down state laws intended to make certain that public funds shall go only to public schools. In most states the law makes it impossible for a disbursing officer to pay out funds to other than public educational institutions. This bill says that where this is true the federal security administrator shall withhold from the allotment the amount which parochial schools would receive. This Washington official is then authorized to take that money and to provide through parochial schools the services prescribed by the law.

This extraordinary proposal can only grow out of a conception that aid provided under this measure is intended for schools, not for children. It puts the federal government in exactly the same stultifying position that it got itself into with reference to state prohibition laws after the repeal of national prohibition. In that instance, it licensed liquor distributors in some states, even though those states were attempting to exercise their right as states to remain dry. Washington's behavior in this matter was a direct contributing factor to the eventual breakdown of home rule as exemplified in state prohibition.

If the health bill passes in its present form, the same result will again occur. The federal security administrator will be put in the position of bootlegging federal aid to parochial schools in violation of state law. No more perfect device than this could be conceived for compromising the integrity of the entire public school system. It would be impossible to prevent this federal office from being manned and ad-

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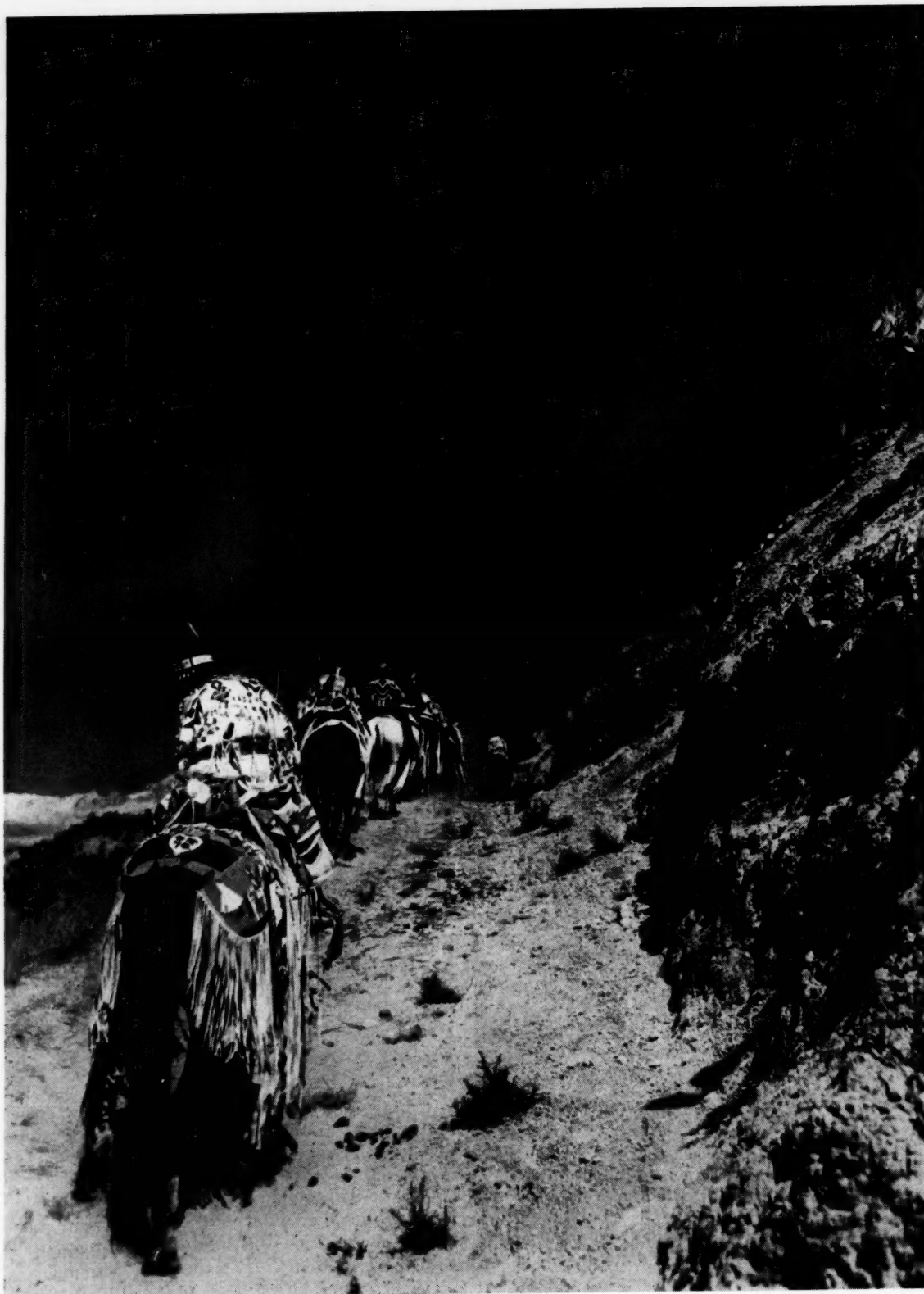
**THE SPIRIT OF LIBERTY** is the spirit which is not too sure that it is right. The spirit of liberty is the spirit which seeks to understand the minds of other men and women. The spirit of liberty is the spirit which weighs their interests alongside its own without bias. The spirit of liberty remembers that not even a sparrow falls to earth unheeded. The spirit of liberty is the spirit of Him who, near 2,000 years ago, taught mankind that lesson it has never learned, but has never quite forgotten; that there may be a kingdom where the least shall be heard and considered side by side with the greatest.—*Judge Learned Hand.*

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ministered by persons who would take the utmost advantage of the rivalry with public education which is inherent in such a situation. The disruption and demoralization of the schools and the discrediting of sound and constitutionally valid state laws would inevitably follow. Congress should eliminate this entire section of the proposed bill. It will do so if the purpose of the legislation is centered on the child rather than on the school.

As it stands, the health bill is a concession to Catholic pressure which opens the way by which the chief rival of the public school system can substantially weaken and eventually disrupt that system. It is sentimental folly for legislators to assume that the American system of public education, to sustain which is their primary obligation, does not need to be safeguarded at every point against this rival. The policy of the Catholic hierarchy to extend their schools through every possible means is openly avowed. Their campaign to gain access to public funds for this purpose has been carried on for years. Congress must not ignore or temporize with this fact.

We hold that the welfare of children should have priority in state as well as in church, and that it should be sought without regard to color, creed, or even nationality. An honest provision for national health services for growing children contributes to this end. But its single aim must be to benefit the child. Concern for the welfare of American children also includes maintenance of the integrity of the public schools and the reservation of public funds only to these schools. If Congress rewrites or amends the proposed National School Health Services Act and makes it a child health bill, we are confident that the public will approve of its passage. If Congress fails to do that, we are equally confident that the bill will and should encounter widespread opposition and that this opposition will be upheld if necessary by the Supreme Court.—Reprinted by permission of *The Christian Century*, issue of April 6, 1949.



A. DEVANEY

# Religious Instruction in Federal Schools

**I**N THE SPRING TERM OF 1948, the United States Supreme Court reversed the decision of the lower court in the McCollum case, and denied the right of public schools to permit religious instruction on "released time." Several of the Justices took advantage of the opportunity to comment extensively on the separation of church and state intended by the founding fathers, and expressed in the federal constitution.

The legal staff of the Bureau of Indian Affairs studied the opinion carefully, and prepared an amendment to the Manual for the Indian School Service, to bring our practices into conformity with the apparent minimum requirements of the decision. This amendment has been reviewed by the Solicitor of the Department of the Interior, and approved by the Secretary. A complete copy of the change in text will be distributed shortly from Sherman Institute, but the following statements cover the modifications which will be required:

As relates to boarding schools: "The missionary or denomination (designated by the parent or guardian) shall be invited and enabled to make contact with the child. Such contact shall be at a time other than regular school hours and shall be at a time not in conflict with group activities of the schools or the tasks assigned to the child. Federal educational structures may be used for religious purposes, but the government shall be put to no expense to prepare them for such use, the use may not be exclusive, and shall not conflict with the needs of the school for such space."

As relates to day schools: "No child at an Indian Service day school shall be excused for religious instruction, including instruction in the native Indian religion, during regular school hours. Religious exercises are not to be held on the premises at the day schools during regular school hours. Facilities at the school may be provided, however, for the use of religious instructors at times and under conditions not in conflict with the use of the buildings by the Indian Service or the Indian community."

The underlying principle is that religious instruction may not take place during regular school hours, thus terminating the practice of "released time" for such instruction. Public or Federal school employees

may not assume responsibility for attendance of school children at religious instruction, nor exercise any disciplinary control over the pupils when attending religious classes after school hours. No bar has been raised to permitting the out-of-hours use of public structures for the purposes of religious instruction, provided all faiths receive equal treatment.

While some of the language of some of the Justices in the McCollum decision might be construed to prohibit the use of school buildings of the Indian Bureau for religious instruction, the Bureau lawyers felt that, pending clarification by a subsequent decision of the Court, this practice could be continued and the McCollum decision limited to the prohibition of religious instruction in public schools during regular school hours.

Applied to the Indian Service, it is essential that each superintendent of a non-reservation school, or in charge of a reservation education program, approve each year a schedule of opening and closing hours of instruction for boarding and day schools for each of the five days in the school week. Similarly, a schedule of after-hours school or community use of the school plant should be prepared. Thereafter, accredited missionaries may be permitted the use of Federal educational structures (schools, dormitories, or other similar buildings) during unscheduled periods, for the purpose of extending religious instruction to children whose parents have expressed a desire for this service.

It has been traditional in New York and other cities in the country where large numbers of Catholics, Jews, or other religious groups which require periodic feast or fast days as part of their religious practices to permit the children of these groups to absent themselves from school without penalty while participating in these observances. This practice, which is fundamental to the freedom of religion, protected by the Constitution, has not been challenged, and was not at issue in the McCollum case. It is being continued in all of the areas where it has been customary.

The practice of excusing Pueblo children from day or boarding schools for participation in tribal ceremonies, at the request of the Pueblo leaders, has always been construed as corresponding to the practices with regard to other religious faiths referred to above. The changes in the regulations regarding religious instruction do not interfere with or affect in any way this arrangement.

Willard W. Beatty,  
Director of Education.

—*Indian Education*, Jan. 15, 1949.

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The Indian of the Western Plain is as much a part of America  
as are her populous cities and spreading industries. Surely  
his opportunities for education should equal those of every  
other American

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# America Not a "Christian Nation"

By C. S. LONGACRE

MANY OF OUR STATESMEN as well as our churchmen affirm that the United States is "a Christian nation," and that it has been so decided by a decision of the Supreme Court of the United States. This affirmation cannot be sustained as a legal proposition, no matter how frequently it is repeated by misinformed individuals standing high in the government and in the church. Long before Justice Brewer made his *obiter dictum* statement in *The Church of the Holy Trinity v. The United States* case, as recorded in 143 U.S., 457, the United States Government went on record by a treaty that was ratified between the United States and Tripoli, in which our Government declared: "The Government of the United States of America is not, in any sense, founded on the Christian religion." Article VI of our Federal Constitution states that "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

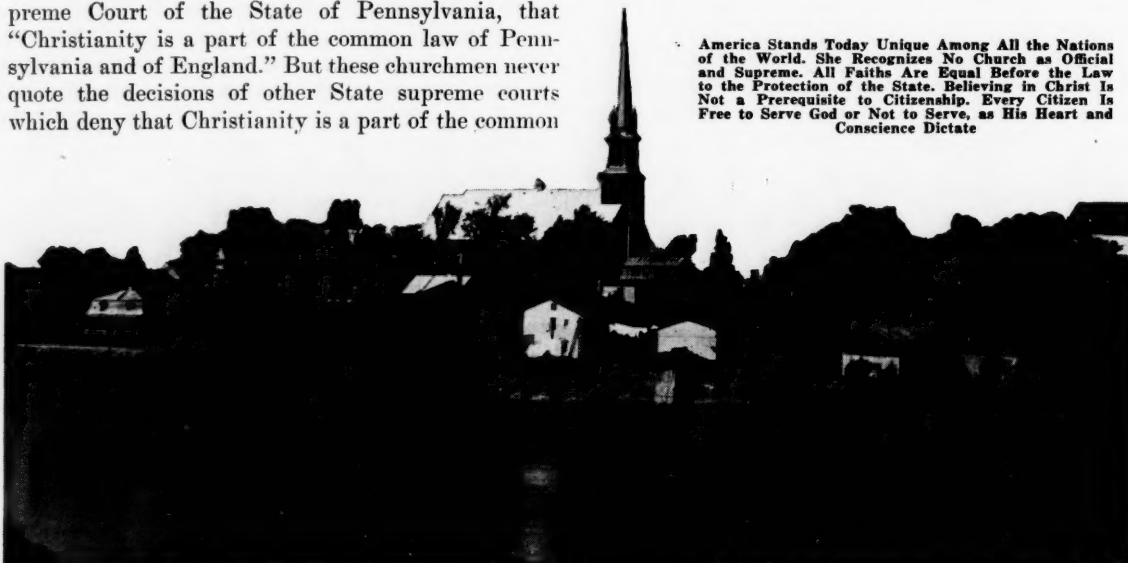
The Supreme Court of the United States and the State supreme courts on numerous occasions have gone on record declaring that Justice Brewer's remark in the Church of the Holy Trinity case was merely an *obiter dictum* and that it has no value as a legal proposition.

Many of our churchmen who favor religious legislation frequently quote the statement made by the Supreme Court of the State of Pennsylvania, that "Christianity is a part of the common law of Pennsylvania and of England." But these churchmen never quote the decisions of other State supreme courts which deny that Christianity is a part of the common

law of their States, nor do they quote the decision of the highest court in England which handed down a decision in 1917, in the case of *Bowman v. Secular Society*, reported in 1917 D of the English Annotated cases, in which four members of the highest appellate court in England and three of the four judges decided that Christianity never was a part of the common law of England, as a legal proposition, and that all the decisions of the inferior courts declaring that Christianity was a part of the common law of England were based on "a legal fiction."

The Supreme Court of North Carolina declared: "It is incorrect to say that Christianity is a part of the common law of the land, however it may be in England, where there is union of church and state, which is forbidden here. The beautiful and divine precepts of the Nazarene do influence the conduct of our people and individuals, and are felt in legislation and in every department of activity. They profoundly impress and shape our civilization. But it is by this influence that it acts, and not because it is a part of the organic law which expressly denies religion any place in the supervision or control of secular affairs. As a contemporary construction of the Federal Constitution, it may be well to recall that one of the first treaties of peace made by the United States,—that with Tripoli,—which was sent to the Senate with the signature of George Washington, who had been president of the Convention which adopted the United

America Stands Today Unique Among All the Nations of the World. She Recognizes No Church as Official and Supreme. All Faiths Are Equal Before the Law to the Protection of the State. Believing in Christ Is Not a Prerequisite to Citizenship. Every Citizen Is Free to Serve God or Not to Serve, as His Heart and Conscience Dictate



H. A. ROBERTS

States Constitution, began with these words: 'As the government of the United States is not, in any sense, founded on the Christian religion.' " *North Carolina Reports*, vol. 134, pp. 509, 510.

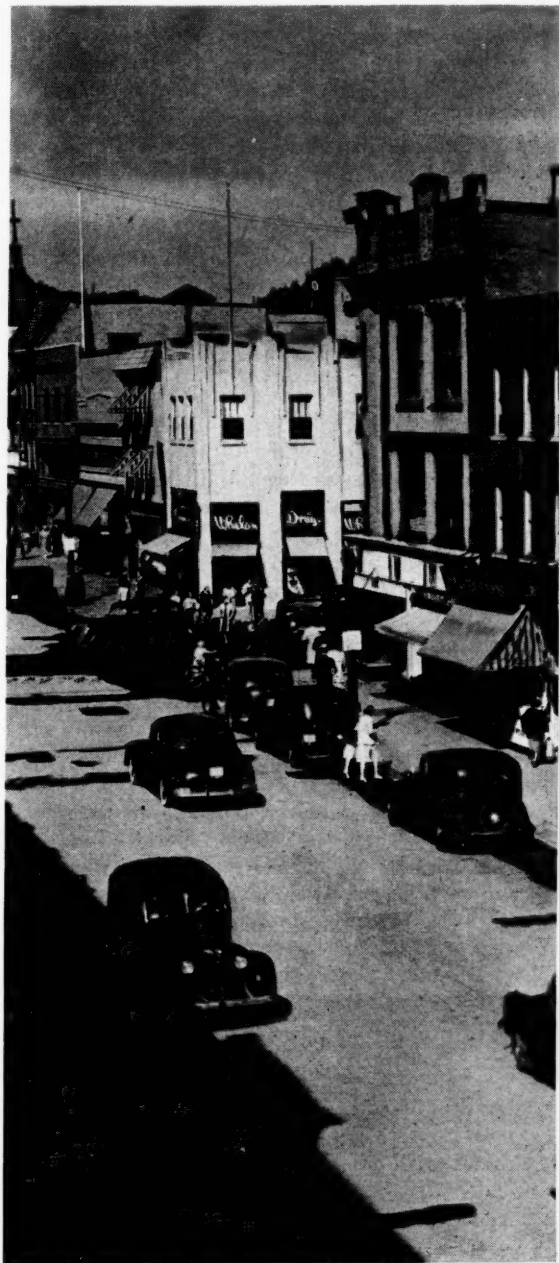
Nor do these moral reformers ever quote the decision of the court in the case of the *Lord's Day Alliance of the State of Maryland v. The State of Maryland*, where the Lord's Day Alliance attempted to get the superior court of Baltimore city to prevent a popular referendum on a liberalization of the Sunday law. The Court of Appeals of Maryland upheld the decision of the lower court. In this case it was held that "Christianity is not part of the common law of Maryland," and as a legal proposition, "Christianity is not part of the common law of England" as laid down by the highest Court in England. Thomas Jefferson challenged any lawyer or jurist in his day to prove that "Christianity was ever a part of the common law of England." Jefferson proved conclusively that the common law of England never did recognize Christianity as a part of it as a legal proposition, in spite of what the lords of Parliament at times stated to the contrary.

Judge O'Dunne, of the superior court of Baltimore, said: "To declare that Christianity as such is part of the law of the land, as a legal proposition, I cannot do. This I deny. The great danger in this country is, and will be, the too intimate commingling of religious views of any sect with government, because if you once tolerate that, you will simply have a repetition of English history, where when one party is in power, it is the established faith, and when they get thrown out, and their enemies come in, theirs is the established faith, and there is nothing so zealous as converts, and they think it is pleasing to God to go and persecute those who disagree with them."

The great majority of the State supreme courts no longer recognize "the legal fiction" that Christianity is a part of the common law. As the Maryland justice said, it "is no function of government . . . to use the medium of law as a vehicle to further Christianity," nor, said the court, is it a function of a judge "to further his conceptions of Christianity, and to get them incorporated into the body politic." A judge on the bench in handing down legal opinions should maintain an attitude of neutrality upon the subject of religion and should not attempt to infuse his conceptions of Christianity or any other religion he professes into the law or a judicial opinion, where church and state are separated, and each citizen, whether religious or nonreligious, is supposed to enjoy the equal protection of the law and stand on the same equality before the bar of justice.

We are making some progress in America toward separating the church and state and maintaining the great American ideal of freedom of conscience when

our courts refuse to be influenced by popular sentiment that runs contrary to the guaranties of civil and religious liberty as set forth in our matchless Constitution. May God grant our lawmakers and our judges a clear vision of their civil obligations in upholding the fundamental principle of a complete separation of church and state, so religious liberty in America may become an established fact in practice as well as in theory.



CORSON FROM A. DEVANEY  
A Glimpse of a Typical American Town

# Who Won the Battle for Liberty?

By CLAREMONT LOVINGTON

**T**HE REAL HEROES who won the battles for liberty in ages past and bequeathed to posterity the precious heritage of inalienable rights were not the soldiers clad in armor bright, or the lawmakers clothed with supreme authority. Our freedom was purchased by the blood, the tears, and the sufferings of a despised minority. It was the three Hebrew worthies who defied the decree of the mighty king of Babylon, Nebuchadnezzar, and nullified his decree. They first vindicated the right to worship God in harmony with the individual conscience. In all past ages it was the minority who were oppressed by the ruling majority. The minority, in the face of fiery furnace, the lions' den, the sword, and the scaffold, have vindicated the cause of human freedom in every conflict between truth and error, between right and wrong.

It was John Bunyan who secured the privilege of preaching the gospel, by languishing ten years in the Bedford prison for preaching in defiance of governmental authority. It was Roger Williams who secured the separation of church and state in America, through defying the Puritan authorities singlehanded and alone as he stood undaunted in the "rockie strength" of his convictions and his principles before the inquisitorial court in Salem, facing banishment.

It was the individual and the minority groups who were under the government ban that led the way in every conflict in defense of conscience in religious matters. They were the real heroes of faith in every moral battle and finally achieved the victory in defense of human rights. They are the real nobility in the annals of history who handed down to us our blessings of liberty, peace, and prosperity. Today we are busy erecting monuments in the spots where the ashes of these martyred heroes of the past were scattered as they sealed their dying testimony in defense of truth and liberty with their precious blood. We

gather in the golden urn of history the ashes of those who were burned at Smithfield. We carve their names indelibly on granite shafts as the unsung heroes who paid the price in blood and treasure for our freedom to worship God unmolested and unafraid.

These were the men and women who in their day were called "the off-scourings of the earth," the "scabs on the backs of society," and the "fools and lunatics that turned the world upside down," but who by their treasure, blood, tears, sufferings, and scourings, won for posterity the glorious battle of religious liberty—the greatest gift and boon among all our temporal blessings. Who can read the history of the struggle and sufferings of these martyrs of the past without a tingling up and down the spine?

The American Constitution aims to protect the individual in the enjoyment of his natural God-given rights against the tyranny of the majority. The majority have the ability to protect themselves against the minority. It is the helpless minority that needs the protection in legislative safeguards against the ruthless mob spirit of an overbearing and persecuting majority.

Too frequently wrong is seated on the throne of government and right is executed upon the scaffold. It takes courage to stand for the right when the wrong road leads to worldly honor and opulence, and the right road leads to poverty, trials, misery, and the rack or the guillotine. Error often offers rosy beds of ease and silken attire; truth has nothing better to offer than the cross of sacrifice. The martyrs of truth who can walk to the burning stake without flinching, in defense of the rights of conscience, while men point the finger of hate and women curl the lip in scorn, deserve to wear the crown of everlasting glory that fades not away. They are the real salt of the earth and the light of the world. In the battle between truth and error, between liberty and bondage, these heroes of faith who have been denounced as heretics and villains against the established order, were vindicated by God and angels in the conflict of right and wrong. Aptly and eloquently did James Russell Lowell sum up the final outcome of the age-long struggle between truth and error, and between right and wrong, when he wrote those inspiring words in defense of the martyrs of truth:

"Careless seems the great Avenger; history's pages  
but record

One death-grapple in the darkness 'twixt old systems  
and the Word;





Truth forever on the scaffold, Wrong forever on the throne,—  
Yet that scaffold sways the future, and, behind the dim unknown,  
Standeth God within the shadow, keeping watch above His own."

### **New York Liberalizes Sunday Law**

IN THE LAST SESSION of the New York State Assembly, a bill was introduced "to amend the penal law, in relation to public sports on Sunday."

Section 2145 of the statutes of New York states: "Public sports on Sunday. All shooting, hunting, playing, horse-racing, gaming or other public sports, exercises or shows, upon the first day of the week, and all noise unreasonably disturbing the peace of the day are prohibited."

The amendment liberalizes the code thus:

"Notwithstanding the provisions of this section or of any general or local act, it shall be lawful to play baseball games, *basketball games, soccer games, hockey games and football games* on the first day of the week after two o'clock in the afternoon and to witness which an admission fee may or may not be charged, and to conduct or participate in games of bowling on said day after two o'clock in the afternoon and to participate in or witness which an admission or other fee may or may not be charged, in a city, town or village, if an ordinance shall have been adopted by the common council or other legislative governing body of the city, town or village permitting such games, respectively, on such day and after such hour.

"§2 This act shall take effect immediately."

The Honorable William S. King, clerk of the Senate of the State of New York, has advised us that this bill has become law.

## **EDITORIALS**

### **Israel Closes Ports on the Seventh-day Sabbath**

EDITORIAL COMMENT in the last issue of LIBERTY called attention to proposals in the Israeli Constitution now being framed, recognizing the (seventh-day) Sabbath and the Jewish Holy Days in the new state of Israel, and also giving recognition to the legal status of the holy days of other faiths by members of those faiths. Regret was expressed that so freedom-loving a people as the Jews should be seeking to incorporate in their constitution provisions which would require the state to legislate in matters of religion.

Now comes a case in point, even before the constitution is put in force. A special dispatch to the New York Times, dated April 19, reports that under challenge by a left-wing member of the Opposition, a government spokesman defended in the Knesset (Assembly) the prevention by Israeli immigration officials of the landing of passengers and cargo in Israeli ports on the seventh-day Sabbath. The position of the Orthodox in Israel is that "individual citizens should enjoy full freedom but that the state should be bound by Biblical laws of Sabbath-observance." For the state to "be bound by Biblical laws of Sabbath-observance" is a form of union of church and state, and is to that extent inimical to religious liberty.

THIRD QUARTER

This provision cannot but restrict and compel the consciences of many in Israel. F. H. Y.

### **Compensation for Unemployment on Grounds of Conscience**

IN OCTOBER, 1947, MISS ROSE CHANIN, an Orthodox Jewess of Philadelphia, Pennsylvania, found herself unemployed. She had opportunity of employment as an accountant, work for which she was qualified, in a situation where the salary was satisfactory. She refused to accept this position, however, because she felt she could not conscientiously work on Saturday, the seventh-day Sabbath.

When Miss Chanin applied for unemployment compensation, her application was refused because there was work available for her which she had declined. A referee who reviewed the case affirmed this decision, and the Board of Review handed down a ruling supporting the referee under date of August 12, 1948.

Attorneys for Miss Chanin filed an appeal against this decision in the superior court of Pennsylvania. Before it came up for public hearing the case was remanded to the Board of Review, at their request, because of "new questions" which were raised by the plaintiff in submitting the case to the court. The

Board of Review took further depositions in the case, in which it was made very clear that Miss Chanin had refused the employment offered because she could not conscientiously work on Saturday, the seventh day of the week, and on March 21, 1949, handed down the following decision, favorable to the plaintiff:

"When this case originally came before the Board of Review there was not a scintilla of competent evidence in the record to indicate that acceptance of the proffered employment offended claimant's morals or impinged on her freedom of thought or religious convictions. Upon the record then existing before the Board, the Board could only conclude, as it did, that the proffered employment was suitable work and that claimant had not shown 'good cause' for her refusal to accept the work; consequently, she was declared ineligible to receive further unemployment compensation benefits.

"After the Board of Review had filed its decision holding that the claimant had not shown 'good cause' for refusing the proffered employment, the claimant sought legal advice and an appeal from the Board's decision to the Superior Court followed. When it became apparent to the Board of Review that the claimant had not revealed the full facts of her case to it when the case was pending before the Board, the Board petitioned the Superior Court to remand the case for the purpose of holding further hearings, making findings of fact, conclusions of law, and entering such order as it may deem proper. The Superior Court having accordingly remanded the case to the Board of Review, a subsequent hearing was duly held and the claimant offered evidence to justify her reason for refusing to accept the proffered employment. If claimant had presented this testimony in the first instance, it is quite probable that the proceedings that followed would not have been required.

"As the record now stands, the claimant concedes that the proffered employment was 'suitable work' based upon her prior training and experience; however, she contends it was not 'suitable work' in that to accept it would offend her morals, impinge on her freedom of thought and religious convictions. The evidence most recently offered by the claimant appears to support this contention.

"The evidence as now presented by the claimant discloses that claimant has been schooled from her childhood to believe in and daily practice the doctrines of the Orthodox Jewish faith, and by reason of her training she possesses a fixed, definite and immutable conviction which made the proffered employment anathema to her moral conscience.

"When we turn to the legislative definition of 'suitable work' (Section 4 (t)), we find, inter alia, that the degree of risk involved to one's morals is to be considered in determining whether any work is

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## Two Great Principles

"There are two great principles in the world. One is Christianity. Not just Christian doctrine, but the basic principles of right & wrong, of clean living, of kindness to one's neighbor. The other great principle has many names. Freedom, liberty or democracy—whatever called—its essence is the right and dignity of the individual."—*General Douglas MacArthur* as reported in *Time*, May 9, 1949.

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'suitable.' The evidence is clear that to have accepted the proffered employment would have seriously offended claimant's morals and would have offended her ethical conscience, which springs from her life's training in the Orthodox Jewish faith.

"In the *Sturdevant Unemployment Compensation Case*, 158 Pa. Superior Ct. 548, the court defined the term 'good cause' and held that 'good cause' was intended to cover reasons personal to the employee and extraneous to the employment.

"In view of the present state of the record, the legislative definition of 'suitable work' and the court's definition of 'good cause,' we conclude that claimant had 'good cause' for refusing to accept the work offered to her by the Department since the proffered employment was anathema to her moral conscience and her refusal was not fanciful, nebulous, actuated by bad faith, or prompted by a desire to remain in the ranks of the unemployed.

"The Bureau's determination was limited to ineligibility under Section 402 (a) of the Act. With respect to the qualifications required to secure compensation under Section 401 (d) of the Act, we conclude that claimant was attached to the labor market and that job opportunities existed in the Philadelphia labor market for one with such a limited restriction.

"The order of the Board of Review heretofore entered in this case as of August 12, 1948, is hereby vacated and the Board substitutes therefor the following:

### "ORDER

"The decision of the Referee is reversed and claim credit is allowed."

Shortly after this, in fact on May 5, a favorable decision was handed down, after appeal, in the case of a Seventh-day Adventist young man who had discontinued employment with a railway company in

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## The Right to Differ

"Proscription has no part nor lot in the modern government of the world. The stake, the gibbet, and the rack, thumb-screws, swords, and pillory, have no place among the machinery of civilization. Nature is diversified; so are human faculties, beliefs, and practices. Essential freedom is the right to *differ*, and that right must be sacredly respected."—John Clark Ridpath, *History of the World*.

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New England because he would have been required to work on Saturday, the day he deemed to be the Sabbath. Mr. Hanscom, the appellant in the case, was a veteran, and applied for compensation under veteran's regulations. The case was handled for the Veterans' Administration by the Board of Review, Division of Employment Security of the Commonwealth of Massachusetts. The decision of the Board of Review reads as follows:

"On the merits of the case, it appeared that the veteran had been employed as a section laborer by the Boston & Maine Railroad for about three weeks. At the time of his hire, he was not informed that a six-day week was required. He actually worked five days a week, Monday through Friday, during the three weeks of his employment. The veteran was informed that the company would require a worker who could be available for a six-day week, including Saturday. The veteran informed the company representative that he was a member of the Seventh Day Adventist Church and as such, it was against his religious principles to work on Saturdays. The veteran worked one week after being informed that his services would be required on Saturdays. He then left his employment and, after a short time, obtained work on the west coast.

"The Servicemen's Readjustment Act of 1944 contains the following provisions:

"Section 700. . . (b) Such person shall be deemed eligible to receive an allowance for any week of unemployment if claim is made for such allowance and the Administrator finds with respect to such week that—

" . . . (4) the person is able to work and available for suitable work: . . . "

"Section 800. (a) Notwithstanding the provisions of section 700, a claimant shall be disqualified from receiving an allowance if—

THIRD QUARTER

"(1) he leaves suitable work voluntarily, without good cause, or is suspended or discharged for misconduct in the course of employment."

"There is no basis for a disqualification of the veteran as the result of the pertinent sections of the Servicemen's Readjustment Act quoted above. The requirement that a veteran work on a day which would violate his religious belief rendered the job unsuitable to him. His inability to work Saturdays, based on that religious belief, does not constitute a lack of availability.

"The Director's determination is modified. The veteran is entitled to allowances."

These are good decisions entirely consonant with the principles of religious liberty, characteristic of the spirit of the citizens of the United States, and the principles of its Constitution. As has been noted before in the columns of *LIBERTY*, a man should no more be expected to accept employment where his conscience is jeopardized than he would be expected to accept employment under physical jeopardy. To deny a man livelihood on the score of his religious scruples is to deprive him of property rights granted him under the Fifth and Fourteenth Amendments of the Constitution, since the First Amendment guarantees him his rights of conscience. The guarantees concerning personal rights set forth in the first Ten Amendments of the Constitution not only define and direct the actions of Congress and the Federal Government but, as has for the last quarter of a century been clearly set forth in United States Supreme Court decisions, are effective upon the various States. It is good to live in a country that is watchful of the material welfare of its citizens. But it is even more gratifying to be able to present, as we do here, continuing evidence that ours is a country where the rights of conscience are so clearly recognized.

F. H. Y.

## Religious Test in District Barber Bill

WE LEARN THAT AN EFFORT to have the California legislature pass a law to forbid barbershops from opening on Sunday has been defeated. The bill was presented on the ground that it was a health measure, but the argument was so shallow that it could not hide the fact that this, like all laws demanding Sunday observance, is religious in character.

A somewhat similar measure is now before a committee of the United States Senate. This bill, which proposes to legislate for barbershops in the District of Columbia, does not mention any day for closing. It provides for a questionnaire to be sent to all the barbershop proprietors in the District of Columbia, who are to state thereon the day when they wish all barbershops might be closed. A barber who has for his religious day of rest a different day from the one



chosen by the majority of the barbers for closing would be exempted from the provisions of the proposed act. However, such a barber would have to give evidence that his religious scruples do call for his keeping another day, and he must demonstrate that he is observing another day as his Sabbath.

Clearly this bill proposes a religious test, and is thus an invasion of the religious rights guaranteed under the First Amendment to the Federal Constitution. We hope that it will meet the same fate as the California attempt at Sunday-closing for barbershops. If not, a law of this character would have to be tested in the courts. Constitutional rights must be defended at all costs.

F. H. Y.

### **Mormons and Religious Education for Public School Pupils**

IN UTAH, it has long been the practice for the Church of Latter-day Saints to establish seminaries of religion near the public schools, in communities where there are enough Mormons to warrant it, in order that the Mormon pupils of public schools may leave and attend religious courses at the Saints' seminary. To what extent this may be a violation of the United States Supreme Court ruling in the famous McCollum case has yet to be tested in the courts, but a ruling of the State Superintendent of Education in Utah is of interest in this connection. The ruling contains the following points:

1. Religion classes are not to be conducted in public school buildings or property.
2. No public school pupil may leave the school grounds during hours when classes are in session to attend religious education classes, except upon written request of parent or guardian.
3. No pupils may "cut" classes required for graduation.
4. No entry will be made on public school records of attendance at religion classes.
5. No credit will be given on the secondary level for classes presenting denominational subjects only, and credit will be given for Bible study in private seminary to the extent of one unit only.
6. Public school journals may not publish news about religion or religion classes.

It appears to us that this ruling is not adequate. The connection between the public schools of Utah and the Mormon seminaries will, it appears, still be altogether too close, in view of the First Amendment to the Federal Constitution and the decision in the McCollum case. The public school should not risk in any degree becoming an adjunct or handmaiden of any church, Protestant or Catholic, and no matter how large a percentage of the population the offending sect may claim.

F. H. Y.

### **Nuns Teaching in Public Schools**

INFORMATION HAS REACHED US that nuns teaching in parochial schools in the Netherlands are paid from state funds. Since these women are under vows of poverty, their salaries are handed over to the heads of the Catholic orders to which they belong.

In the United States such a practice would be contrary to constitutional provision, requiring the separation of church and state. But members of the Catholic Church have gained such thorough control of local school boards in some places that virtually the same situation exists. It was found in New Mexico, in connection with the investigation of the notorious Dixon case, that the local school boards, made up of Catholics, had in a number of cases turned the public schools into what were practically parochial schools. In fact, in a number of cases the usurped public schools were listed on ecclesiastical records as Catholic parochial schools. The nuns were paid from public school tax funds, and their checks, as in Holland, were turned over to higher church authorities, since the nuns had vows of poverty. Furthermore, the nuns had nothing withheld from the salaries as income tax. We have it on the authority of officials of Protestants and Other Americans United for Separation of Church and State that similar conditions prevail in some counties in Missouri.

F. H. Y.

### **New Mexico and Religion in the Public Schools**

IN OUR ISSUE FOR THE SECOND QUARTER of last year we presented an article by Dr. Frank S. Mead entitled "Shadows Over Our Schools." This was reprinted by permission of the *Christian Herald*.

As readers of all newspapers will know, a suit was brought by taxpayers in New Mexico to test the legality of some of the things that were being done, as reported by Dr. Mead.

On the 10th day of March, 1949, District Judge E. T. Hensley, Jr., "made and filed a Decision" in this case. The statement of fact is many foolscap pages long and consists largely in reciting the different violations of the law and the constitution. Under the heading "Conclusions of Law," Judge Hensley said:

#### **"CONCLUSIONS OF LAW**

1

"That the Court has jurisdiction of the parties and subject matter herein.

2

"That the plaintiffs have no adequate remedy at law.

3

"That the administrative remedy provided by the Statutes of the State of New Mexico is wholly inadequate.

LIBERTY, 1949

quate and that the plaintiffs exhausted said remedy prior to filing this action.

4

"That the teaching of sectarian doctrine in the tax supported schools of this State violates Section IV Article XXI of the Constitution of the State of New Mexico, and Section IX Article XII of the Constitution of the State of New Mexico.

5

"That the teaching of sectarian doctrine in tax supported schools in the State of New Mexico, is in violation of the First Amendment to the Constitution of the United States as made applicable to the States by the XIV Amendment to the Constitution of the United States.

6

"That the furnishing by the State of New Mexico of free school bus transportation to pupils of parochial schools is in violation of Section III Article XII and Section XIV Article IX of the Constitution of the State of New Mexico, and the First Amendment to the Constitution of the United States as made applicable to the States by the XIV Amendment to the Constitution of the United States.

7

"That the holding of tax supported school classes in buildings which have religious emblems such as crosses, grottos, religious statuary and religious pictures all peculiar to a certain denomination violates the First Amendment to the Constitution of the United States as made applicable to the States by the XIV Amendment to the Constitution of the United States.

8

"That the holding of tax supported school classes in a building owned by the Roman Catholic Church, or an Order thereof, or an Official thereof, part of said building being retained by said Order, Church, or Official for use as a private or parochial school is in violation of the First Amendment to the Constitution of the United States as made applicable to the States by the XIV Amendment of the Constitution of the United States.

9

"That the New Mexico State Board of Education has violated Section XVII Article XX of the Constitution of the State of New Mexico by adopting a multiple system of free text books rather than a uniform system of text books.

10

"That the New Mexico State Board of Education by adopting sectarian indoctrinated text books and furnishing the same to the tax supported schools of the State of New Mexico violates Section IV Article XXI of the Constitution of the State of New Mexico and the First Amendment to the Constitution of the

United States as made applicable to the States by the XIV Amendment to the Constitution of the United States.

11

"That the furnishing of free text books to schools other than tax supported schools of this State violates Section XIV Article IX of the Constitution of the State of New Mexico and Section III Article XII of the Constitution of the State of New Mexico.

12

"That the furnishing by the State of New Mexico of sectarian indoctrinated text books to tax supported schools is in violation of the First Amendment to the Constitution of the United States as made applicable to the States by the XIV Amendment to the Constitution of the United States.

13

"That the furnishing by the State of New Mexico of sectarian and indoctrinated text books, or text books for Catholic schools only, to private parochial schools is in violation of the First Amendment to the Constitution of the United States as made applicable to the States by the XIV Amendment to the Constitution of the United States.

14

"That the Defendants named as teachers have taught sectarian doctrines in the schools in violation of Section 55-1102, New Mexico Statutes, Annotated, 1941 Compilation, except the Defendants named as teachers for the schools at Tucumcari, Abiquiu and Aragon, New Mexico, and should be forever barred from receiving any school monies and employment in the public schools of this State.

15

"That there is no separation between Church and State as contemplated by the First and Fourteenth Amendments to the Constitution of the United States in the following named schools all in the State of New Mexico: Santa Rita Grade School, Carrizozo; Mount Carmel, Socorro; St. Mary's School, Belen; San Fidel, Valencia County; Cubero School, Valencia County; Cuba School, Sandoval County; St. Nicholas Grade School, Sandoval County; Pena Blanca School, Sandoval County; Sacred Heart Academy Grade School, San Juan County; Blanco Grade School, San Juan County; Lumberton School, Rio Arriba County; Chama School, Rio Arriba County; Park View School, Rio Arriba County; Tierra Amarilla, Rio Arriba County; Abiquiu School, Rio Arriba County; San Juan School, Rio Arriba County; Pecos Independent School District, Pecos; Santa Cruz School, Santa Fe County; Penasco School, Taos County; Costilla School, Taos County; Villanueva School, San Miguel County; Ribera School, San Miguel County; Mora School, Mora County; Old Town Junior High School, Las Vegas; St. Francis School, Ranchos de Taos; Dixon School,

Rio Arriba County, and the St. Joseph's School in Dixon, Rio Arriba County.

16

"That the plaintiffs are entitled to a Declaratory Judgment determining the status of each school named in the Plaintiffs' complaint compatible with these findings and conclusions.

17

"That the plaintiffs are entitled to a declaratory judgment determining that the Defendants who are members of the State Board of Education and all Boards of Education which are Defendants herein and the members thereof, from renting, leasing, or acquiring for use in any way buildings, or space in buildings, for use as a public school or public school room when said building does not remain under the absolute control of the State or of one of its subdivisions, or when such building is of a nature to exert a sectarian influence.

18

"That the plaintiffs are entitled to a declaratory judgment against the defendants who are members of the State Board of Education prohibiting them from providing or authorizing free school bus transportation for pupils attending a parochial or sectarian school.

19

"That the Plaintiffs are entitled to a declaratory judgment against the defendants who are members of the State Board of Education prohibiting them from providing or authorizing free text books for private, parochial or sectarian schools.

20

"That the Plaintiffs are entitled to a declaratory judgment against the Defendants who are members of the State Board of Education prohibiting them from buying, contracting for, providing for, or authorizing sectarian indoctrinated text books as a part of the State's free text book system.

21

"That the Plaintiffs are entitled to a declaratory judgment against the Defendant R. H. Grissom, declaring unlawful the making or approving of any budget providing for the payment of public funds to any of the Defendants herein who were teaching sectarian doctrine in the tax supported schools of this State.

22

"That the Plaintiffs are entitled to injunctive relief enjoining and restraining the Defendants and each of them from continuing such acts as have been concluded herein to be unlawful.

"DONE at Portales, New Mexico, this the 10th day of March, 1949.

"/s/ E. T. Hensley, Jr.  
District Judge"

In order that our readers may know more specifically how grave the violations were, there follows a list of misuses of public funds and public school-houses by the Roman Catholic Church:

Number of schools in New Mexico that get free textbooks—26.

Number of schools furnished free bus transportation—24.

Number of church buildings owned by Roman Catholics used for schools—20.

Number of Sisters of various orders employed in schools—23.

Number of schools where pupils are given religious instruction in the principles of the Roman Catholic Church, commonly known as the catechism—50.

Number of schools where pupils are taught and recite prayers peculiar to the Roman Catholic Church—22.

Number of schools where Roman Catholic literature, pamphlets, leaflets, and comic books are distributed to students during school hours—17.

Number of schools where there are pictures on the walls of schoolrooms portraying a theme peculiar to the Roman Catholic Church—9.

Number of schools where pupils are permitted to leave school during school hours for the purpose of Catholic confession—8.

Number of schools where students are released from school attendance during school hours for the purpose of attending mass—7.

Number of schools that are in fact Roman Catholic parochial schools which are subsidized in part by funds raised through taxation by the State of New Mexico—11.

H. H. V.

## Making Christ King

WE READ IN THE GOSPEL OF ST. JOHN that after Christ performed the remarkable miracle of feeding five thousand people with five barley loaves and two small fishes, the people wanted to "take Him by force, to make Him a king," and He escaped and hid Himself from the people. Why? Because the time had not yet come for Him to be crowned "King of kings."

In the book of Revelation we learn that Christ will not become "King of kings and Lord of lords" until He descends from heaven to this earth to "smite the nations: and He shall rule them with a rod of iron: and He treadeth the winepress of the fierceness and wrath of Almighty God." Rev. 19:15. At that time "He hath on His vesture and on His thigh a name written, King of kings and Lord of lords." That is still future.

But we read in *The Christian Patriot* of May, 1949, that Christ—the Son of God—"is King of



kings and Lord of lords," now, and that He therefore ought to be recognized in our Constitution as the rightful Ruler of our nation, and that His teachings should be incorporated in law. In fact a "Christian Amendment to the Constitution has been introduced into Congress to recognize Christ's authority in law. This is another attempt to make Christ King, even in His absence, by the rule of force. This is misguided zeal, not according to knowledge.

C. S. L.

## Public Tax Money to Denominational Hospital in Kansas

LAST YEAR FREDONIA, KANSAS, celebrated its silver anniversary annual homecoming. In the souvenir program the following interesting item is found:

"Saint Margaret's Mercy Hospital will be located on a 12-acre tract east of Fifteenth and north of Madison streets, donated by the late R. W. McGrath as part of his bequest. The Hospital will be owned and operated by the Sisters of Mercy. Construction will begin in the very near future.

"The late R. W. McGrath is, in the main, responsible for initiating this outstanding improvement to the City of Fredonia. Mr. McGrath gave all of his worldly goods—\$151,000.00—as a charitable legacy, in order that his dream of a Hospital for Fredonia might be realized.

"The total cost of the hospital will be \$464,000.00. The money for construction was secured from the following sources:

"R. W. McGrath Charitable legacy	151,000.00
Federal Government contribution	154,666.66
Fredonia City bond issue	100,000.00
Public subscription	58,333.34

"The Citizens of Fredonia and vicinity were called upon to contribute \$58,333.34 as their share of the hospital. In order that all interested persons could contribute their share to this worthy project a well organized systematic drive for funds was conducted. Proof of the thoroughness of the drive, and of the intense interest in the project by the citizens of the community, is well shown by the fact that the goal was over-subscribed by approximately 25%."

It is significant that the Federal Government contributed toward this project \$154,666.66 and that Fredonia issued certain bonds to the total of \$100,000.00. The total cost of the hospital is \$464,000.00. More than 50 per cent of the total, \$254,666.66, comes from tax funds of all the people. But "the Hospital will be owned and operated by the Sisters of Mercy," a sectarian group.

We are against this kind of thing, but we have to confess there is a distinct tendency toward more and more of it.

H. H. V.

THIRD QUARTER

## Religious Affiliation Excluded From Census Questionnaire

WE ARE ADVISED that the United States Bureau of the Census has declined to include in its questionnaire for the 1950 census questions which would reveal detailed information concerning the citizens' personal faith and church affiliation.

Securing information from voluntary reports of church bodies for inclusion in a census report of religious statistics, as seen in the Religious Census which the Bureau of the Census has been compiling for four decades, is one thing, and a useful thing. To include in a questionnaire, authorized in civil law, questions as to the citizens' personal faith is another and a very different thing. It is well that these questions are not to be used in the approaching census.

F. H. Y.

## Churchmen Oppose Federal Aid

WE CONGRATULATE the National Association of Evangelicals, as well as the American Council of Christian Churches, on the strong position they have taken against Federal aid to parochial schools. A bill now pending in Congress, granting Federal aid to public schools, is so worded as to permit certain services, such as free transportation of pupils to parochial schools and the furnishing of textbooks without charge for use of parochial school children, in certain States where aid to religious institutions from public funds is not prohibited by law. The bill, numbered S. 246, has already passed the Senate by a vote of 58 yeas and 15 nays. Efforts to amend the bill to prevent tax moneys from going to aid church schools were decisively defeated. This would seem a good time to let Congressmen know that there is a strong public feeling against any support being furnished parochial schools from public tax moneys.

F. H. Y.

## Religious Intrusion Into Politics

RECENTLY A GOVERNMENT OFFICIAL, member of a certain religious organization, stated publicly that since his denomination constituted "one-fourth of the country's population, they should be entitled to one-ninth representation on the high court," namely the United States Supreme Court. He further said that the members of his denomination "should put pressure on for the appointment of a member of their faith" when the next United States Supreme Court vacancy occurs.

That suggestion deserves some comment, because it involves certain implications of far-reaching consequence in our American system of government. Our

Constitution expressly provides that "no religious test shall ever be required as a qualification to any office or public trust under the United States." When a religious organization begins to "put pressure" upon the chief executive or upon political officials demanding that they appoint members of their faith to various public offices because their numerical strength entitles them to a certain representation, it is demanding a clear violation of the constitutional provision that forbids a "religious test."

Such a procedure, if complied with, would open the door for every ecclesiastical organization to start political bickering, and would open a Pandora box of ills both for the state and for the church, resulting in the corruption of both. Our forefathers were wise when they separated the church and the state in our American system of government. In the early days of our Republic an attempt was made by certain religious organizations to have Congress enact religious obligations into law. The matter was referred to a special committee of the United States Senate for its consideration. This committee of which Senator Richard M. Johnson of Kentucky was chairman,

reported to the Senate, saying: "Extensive religious combinations to effect a political object are in the opinion of the Committee, always dangerous. This first effort of the kind calls for the establishment of a principle which, in the opinion of the committee, would lay the foundation for dangerous innovations upon the spirit of the Constitution, and upon the religious rights of the citizens. If admitted, it may be justly apprehended that the future measures of the government will be strongly marked, if not eventually controlled, by the same influence. All religious despotism commences by combination and influence; and when that influence begins to operate upon the political institutions of the country, the civil power soon bends under it; and the catastrophe of other nations furnishes an awful warning of the consequence."

We trust our American statesmen will not be influenced by pressure from religious organizations to appoint members of a particular faith on the ground of numerical strength. Such strength, once recognized, will be difficult to control, and in turn may manage the government.

C. S. L.

## NEWS and COMMENT

### Senate Passes Federal-Aid-to-Education Bill

ON MAY 5 the Senate passed the bill for Federal aid to education, commonly referred to as the Thomas bill, though it was sponsored by a number of men of both political parties. It will have to be passed by the House before it becomes effective. The House Committee has substituted the Barden Bill, H.R. 4643, which provides tax funds for public schools only. The outcome is still in doubt.

### Sunday Law in Portuguese East Africa

WORD COMES FROM PORTUGUESE EAST AFRICA that there is "a Sunday law in force now in Portugal and the Colonies whereby none is allowed to open stores or work on Sunday," and that no work would be permitted to be done on that day about mission stations in the Portuguese East African Colony. We are informed that this was "a church order." Portugal has a state religion which dictates the enforcement of religious obligations.

### Sunday Law Advocates High Pressure the President

PRESSURE: By sponsoring the Independence, Mo., kickoff of the National Savings Bond drive—set for Sunday night, May 15—President Truman almost got in trouble with his home town's Ministerial Alliance. After strong pressure from the church group, led by the Rev. Donald McKay, the President redeemed himself. He postponed the campaign opener to Monday night. "Independence . . . respects the day of Christian worship," said the alliance with satisfaction.—*Newsweek*, May 9, 1949.

### Police Arrest Grocer in Test of Blue Laws

ROY TRANTHAM, 38, of 45 Broadway, Fairview, owner of Trantham's Food Store, Henderonville Road at Boston Way, Biltmore, was arrested yesterday morning by City detectives on a charge of violating a City ordinance which prohibits the sale of certain groceries on Sunday.

The case is expected to test the validity of Asheville's "blue law" ordinance concerning Sunday sales.

Detectives Harold Brownlee and Harold Glenn went to the store about 11:30 a.m. They said they purchased a small amount of canned goods and then made the arrest.

The store, which has been advertised as remaining open seven days per week, 24 hours per day, had about 25 customers when the two detectives arrived, Brownlee said. He said they asked Trantham what goods were being sold and that he replied to the effect that everything in the store was being offered for sale.

George Pennell, Asheville Attorney, said he would appear for Trantham and that 50 independent merchants had retained him to test the validity of this City ordinance.

Pennell said if Trantham is convicted in police court, the case will be taken to Supreme Court for the purpose of determining the validity of the ordinance.

He said the test was being made on the contention that the law is discriminatory, vague, indefinite, and therefore unconstitutional. The attorney said the ordinance was adopted in 1898.

Trantham was released upon his own recognizance for appearance in police court this morning.

Several persons recalled that there has been no attempt to enforce this ordinance for about 20 years. Some 20 years ago a drive was made for this purpose, it was recalled, and a number of business establishments were closed. About the same time John Philip Sousa and his band played a Sunday concert here and warrants were taken out for every member of the orchestra under an amusement code of which this ordinance was originally a part, it was remembered. Attempts to serve the warrants failed when the band pulled out by train just a jump ahead of deputies of the sheriff's department.

Also arrested yesterday on charges involving the sale of certain groceries on Sunday were George Tingle of Daves Grocery Store and Harry Giezen-tanner of Giezen-tanner Brothers Grocery on Merri-mon Avenue.—Asheville (N.C.) *Citizen*, May 2, 1949.

### **Minnesotans Oppose Bus Transportation for Parochial School Children**

**I**N MINNESOTA, citizens of the Blue Earth County have brought action in court to enjoin the use of public school busses for the transportation of parochial school pupils. The suit for injunction is grounded on prohibitions in the constitution of the State against the use of public funds for sectarian purposes.

**THIRD QUARTER**

### **County Blue Law Results in Arrest of 3 at Theater**

**B**OONSBORO, MD., MAY 15. (AP).—The manager and two employes of the Hiway Drive-In Movie Theater were arrested tonight and charged with violating Washington County's blue law.

The management had announced it would open the theater tonight in defiance of the legal ban on Sunday exhibitions in Washington County.

Those picked up by Sheriff Joseph D. Baker were booked in Boonsboro as T. W. North, jr., manager; Clinton Karn, a projectionist, and Jack McKee, a ticket-seller.

Each posted \$7.45 collateral and was released after a hearing was set tentatively for June 8.

After opening early this week the new theater, about 6 miles east of Hagerstown and 4 miles west of Boonsboro, advertised a Sunday showing. Baker announced he would arrest all 20 of its employes if the show were held.—Washington *Post*, May 16, 1949.

### **Abuse of the Schools**

**A**RLINGTON COUNTY is beginning to seethe over the issue of sectarian religion taught in the public schools. The mere fact that various religious groups are fighting over the matter is evidence, it seems to us, that the Arlington program is objectionable. A Protestant minister stated the philosophy of the movement when he said in effect: "If we can't get the children on Sunday, we have to get them in the schools."

The Arlington program, which has been in effect several years, operates under an opinion of the Virginia attorney general that nonsectarian religious instruction in school buildings, without official school support, is not in conflict with the Supreme Court decision in the McCollum case at Champaign, Ill. Cards prepared by the Protestant sponsors of the program are passed out to children, supposedly outside school buildings, although that rule is not always adhered to. Parents are asked to indicate on these cards whether or not they wish their children to participate. Classes are held in school buildings one hour a week on school time under the instruction of an outside minister. Students whose parents indicate opposition are not compelled to attend.

Regardless of the pretenses, however, sectarianism is not kept out of the classes. The syllabus used by the Arlington Council on Religious Education assumes the supremacy of Christ, a doctrine not included in the belief of some sects. Catholic and Jewish children sometimes sit in on the classes because they do not like to appear "queer," or different from their fellow pupils. The coercive power of the public schools is

being used to teach, not religious values in a broad sense, but a particular version of religion. Justice Black stated the point cogently in his opinion in the McCollum case:

"Here not only are the State's tax-supported public school buildings used for the discussion of religious doctrines. The State also affords sectarian groups an invaluable aid in that it helps to provide pupils through use of the State's compulsory public school mechanism. This is not separation of church and state."

Arlington may well furnish a more precise test of the constitutionality of such instruction, for opponents have charged that the program is an attempt to bootleg sectarianism into the schools in defiance of the McCollum decision. In no sense can the opposition to the program be regarded as antireligious, for it is made up largely of religious groups, including several Protestant denominations. The issue is one of principle as stated in the Constitution. To say that the framers of that document were predominantly Protestant is not to say that they condoned intermingling of religion and public education. Freedom for all religions with compulsion for none has always been a particular genius of the American system. Surely religious institutions are strong enough to stand without leaning on the schools in a way that violates the basic concept of religious freedom.—*Washington Post*, March 1, 1949.

### **Indiana Private-School Association Opposes Federal Aid**

THE ASSOCIATED PRIVATE and church-related colleges in the State of Indiana adopted at a recent conclave a most commendable resolution, urging nonpublic schools to do their work without government support. Here is what they said:

"We, the members of the Indiana Association of Church Related and Independent Colleges, consisting of twenty-six colleges and universities throughout the State, reaffirm our belief in the present American system of education, consisting of State supported, church related, and privately endowed elementary and secondary schools, colleges, and universities, each complementary to the other with their diversity and competition maintaining the freedom which is the chief ornament of all.

"We hold that this freedom would be threatened by any general Federal subvention of higher education, which would involve a great immediate financial burden, and, we believe, ultimate regimentation and control.

"We, therefore, unite in supporting the following specific propositions:

"1. We advocate adequate financing of State owned colleges and universities through State taxes.

"2. In general, we oppose Federal aid to all institutions of higher learning. Any financial support of education from the Federal Government should be for specific purposes, for individual scholarships, or granted on an outright single gift basis. . . .

"3. We believe that private institutions of higher learning should continue to look to churches, foundations, individuals, business corporations, and other non-governmental sources for financial support."

### **Catholic Attitude on Federal Aid to Parochial Schools**

THE FOLLOWING QUESTION was asked in *The Evangelist* (Jan. 28, 1949), the Roman Catholic church organ of the Albany (N.Y.) Diocese:

"Is it reasonable for Catholics to oppose Federal aid to education if it is embodied in a bill which has no guarantee of any kind of aid for non-public school pupils?" The Rev. Father William E. McManus, assistant director of the Education Department, of the National Catholic Welfare Conference, answered it by saying that the Catholic church would be compelled to oppose it as it would be a "deliberate" "rejection of a compromise measure," and "would set an unjust precedent for succeeding Federal school aid bills, and would entrench the public school organizations which seek to set up a 'non-sectarian ethical culture' in American schools.

"But the important consideration," declared Father McManus, "is that the Federal government's attitude toward schools now will have a great bearing on what all government units will do in the near future on health and welfare proposals," toward non-public schools.

In the past twenty-five years the National Catholic Welfare Conference has vigorously opposed all educational bills that did not make provision for appropriations to parochial schools.

### **Last Blue Law Killed**

ZION, ILL., APRIL 5 (AP).—Zion wiped out the last of its famous Sunday blue laws today. Citizens voted 1,597 to 1,305 to abolish laws which forbade business and entertainment on Sundays.

The laws have been on the books since 1901, when the city was founded by the late Overseer John Alexander Dowie as the home of the Christian Catholic Apostolic Church. They were rigidly enforced by him and his successor, the late Wilbur Glenn Voliva, who preached that the world is flat.—*New York Daily News*, April 6, 1949.

LIBERTY, 1949



## G.W. Professor Violates Blue Law in Baltimore

ALBERT R. MILLER, JR., assistant economics professor at George Washington University, said yesterday he guessed he would have to study the customs of Baltimore, his new home city, more carefully.

Miller, who is 35, was arrested on complaints of neighbors for painting the front door of his home on Sunday. He was charged with violating the city blue laws by working on the Sabbath, and forfeited \$6.45 collateral.

A member of the George Washington faculty for the past four years, he recently bought the Baltimore house, located in downtown Mount Vernon pl. His local address is 1309 19th st. nw.—*Washington Post*, April 5, 1949.

## Mission Schools and Government Aid

MANY WHO HAVE OPPOSED the granting of state aid to sectarian institutions have felt that it was not only wrong in principle but dangerous to the church receiving it. This journal has more than once referred to the fact that in countries where church property has been expropriated by the state the action has been justified by the fact that the church's wealth had come largely from governmental gifts of one kind or another.

All too often the lessons of experience are obscured by the prospect of gain, but it should be remembered that worse than losing money and goods is the loss of control and direction of well-recognized church agencies of evangelization, such as schools, when the government decides to assume control.

The Carnegie Endowment for International Peace issues a biweekly news letter. Under the general title of "Notes and Forecasts on United Nations Activities," the letter of January 28, 1949, deals with some of the activities of the Trusteeship Council of the United Nations. Among other matters discussed is "Education in the Trust Territories," and there are given some recommendations of a "visiting mission" which will interest our readers, we are sure.

"The question of education in Trust Territories was one of the major topics in Committee IV during the last Assembly and was the subject of a long and detailed resolution. The resolution recommended that the Trusteeship Council 1) request the Administering Authorities to intensify their effort to increase educational facilities; 2) propose that primary education be free and that access to higher education should not be dependent on means; 3) suggest that facilities for

training indigenous teachers be improved and expanded; and 4) study the possibility of establishing a university for the inhabitants of the Trust Territories in Africa.

"Both the need for action of this type and the thirst of the people for learning was clearly brought out by the report of the Visiting Mission to East Africa. In Ruanda-Urundi all educational activity is carried out by religious missions which are subsidized by the Administering Authority if they fulfill certain standard requirements. Although it is estimated that 300,000 children, or nearly two-thirds of the school age population attend elementary schools, the Visiting Mission found that 'primary education still ceases at a rather low level; its first concern is moral and religious teaching.'

"However, the Belgian authorities have made definite plans to establish in co-operation with the Missionary Societies, 87 new primary schools in 1949 and a total of 783 new primary schools by 1957. It is proposed that there shall be 'a first grade comprising two years of schooling and an optional third year designed to broaden the mind and give the children a minimum of elementary knowledge', and a second grade, subdivided into 'ordinary' and 'selected'. The ordinary second grade will consist of a three year course designed to prepare the pupil 'more thoroughly for the life he will lead in his natural environment'. The selected second grade, comprises a four year course 'designed to fit the child subsequently to receive a thorough secondary education'. The children eligible for this course will be selected on the basis of 'their moral and intellectual qualities [which] will be judged in the first place by the missionary supervising the elementary schools from which the pupils are to be selected, and by a very stiff entrance examination.'

"The Visiting Mission recommended that the Administering Authority establish a number of secular schools and that the granting of subsidies to private schools be on the condition that religious instruction in such schools be optional. They suggested that the 'complete freedom of conscience' guaranteed by the Trusteeship Agreement might be compromised by the existence of exclusively Christian schools in an area in which only twenty-five per cent of the inhabitants were Christian."

For many years all or most of the mission societies operating in Africa have received government grants-in-aid. If the recommendations of the Visiting Mission are carried out, it appears that one of two courses will be open to the mission societies if they want to continue to operate schools. Either they must not require that religious instruction be given to the students, or they must operate schools without any government aid.

## An Ambassador to the Vatican?

**T**HE *Christian Century* is authority for the statement that some newspaper offices in Chicago recently reported that rumors originating in South America had been heard that President Truman "will shortly ask the Senate to ratify his appointment of a regular ambassador to the Vatican."

## Utah Sunday Bill Defeated

**T**HOUGH HOUSE BILL No. 89 of the Utah legislature failed to pass, it shows the ridiculousness of many attempts to enact religio-political legislation. We think our readers will be interested in it:

"103-53-1. It shall be unlawful for any person to keep open Sunday any place of business for the purpose of transacting business therein.

"103-53-2. The provisions of the preceding section do not apply to:

"(a) Services and activities which are necessary to the maintenance of health and life; such as hospitals, hotels, boarding houses, automotive service stations; and the sale of commodities which are necessary to the maintenance of health and life, such as the sale of drugs and medical supplies, the sale of food for consumption on the premises where prepared, the sale of fresh milk and bread.

"(b) Works of necessity such as railroads, bus lines, telephone operations, telegraph operations, power suppliers; such industries as are usually kept in continuous operation; businesses which are kept open by the producer of fruits and vegetables for the purpose of selling the fruits and vegetables he has produced.

"(c) Services and activities as are generally associated with the promotion of recreation such as bathing resorts, golf courses, bowling alleys, theaters, amusement parks, the publication and distribution of newspapers, the sale of magazines, the sale of ice, ice cream and confectioneries; the sale of beverages for consumption on the premises; the sale of tobacco products and accessories.

"(d) Works of charity and charitable activities.

"Provided, however, that any business which is kept open on Sunday under one of the foregoing exemptions may engage in the businesses or activities permitted under any of the other exemptions but in no other business.

"103-53-4. For the purposes of this chapter, Sunday shall commence at midnight Saturday and terminate the following midnight.

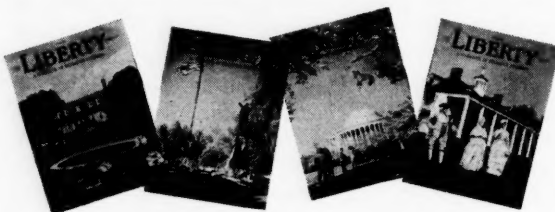
"Person shall include corporation. . . .

"103-53-5. Violations of the provisions of the first section of this chapter shall be punished by a fine of not less than \$25 (twenty-five dollars) nor more than \$200 (two hundred dollars)."

## Public School Buildings Used for Religious Meetings

**T**HE ASSISTANT CITY SOLICITOR of Cincinnati has held that the Cincinnati board of education could legally grant permission to a group of Jehovah's Witnesses to use a room at the Western Hills high school for Sunday afternoon services. The assistant city solicitor pointed out that in the so-called Champaign case the Supreme Court of the United States held that the Illinois practice was wrong because religious instruction had been made a part of the public school education program and that this was not the case in the permission given to Jehovah's Witnesses to hold meetings in a school building.

Of course we have no idea whether or not the Supreme Court would agree with the Cincinnati official if a case testing the legality of his opinion were brought before the court. If the religious body paid for the use of the room occupied, there could hardly be any question about a union of church and state.



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## California Barber Bill

OUR CORRESPONDENT IN CALIFORNIA has furnished us a copy of the following bill which was introduced in the California legislature, which, in essential details, is like the barber bill now before Congress. However, we understand that there is small likelihood of the California bill passing:

"California Legislature—1949 Regular Session

"ASSEMBLY BILL

No. 528

"Introduced by Messrs. Doyle and Hollibaugh

"January 13, 1949

"Referred to Committee on Public Health

"An act to amend Section 6509 of the Business and Professions Code, relating to the inspection of barber shops and barber colleges.

"The people of the State of California do enact as follows:

"SECTION 1. Section 6509 of the Business and Professions Code is amended to read:

"6509. Any member of the board or its agents or assistants may enter into and inspect any barber shop or college at any time during business hours.

"(a) In order to provide for the maintenance of effective inspection by the board no barber shop or college shall be open for business on Sundays or on holidays as defined by Section 10 of the Political Code, except as provided in subdivision (b) of this section.

"(b) Whenever the actual manager or operator of or all of the barbers and students employed, enrolled or engaged in training or practice in such shop or college are bona fide members of an established religious faith, sect or denomination which observes its Sabbath, a day of rest, or weekly religious observance on a day other than Sunday and the shop or college actually remains closed upon such other day, the owner or manager may notify the board in writing of these facts and may request a permit to keep such shop\* or college open for business on Sunday. All statements of fact in this notice and request shall be given under oath before an officer authorized to administer oaths. If the board shall find the facts to be as provided in this subdivision, it shall, within one month of receipt of this notice and request, issue a permit to such shop or college to remain open on Sundays.

"(c) This permit shall expire at the same time as provided for certificates of registration in Section 6625 of this code, unless renewed by another notice and request in the same form as provided in subdivision (b) of this section; and it shall also expire at any time the facts upon which it was issued cease to exist. The permit shall show the day of the week during which the shop shall be closed. The permit

shall be displayed in the same manner as provided for the certificate to operate a barber shop.

"(d) The board shall have authority to employ such regular, special or temporary inspectors as shall be necessary to inspect shops or colleges which are permitted to operate on Sunday under subdivision (b) of this section."

## Catholic Congressman Opposes Aid to Parochial Schools

THE *Scottish Rite News Bulletin* of April 5, 1949, is authority for the following:

Andrew Jacobs, a Roman Catholic who succeeded Louis Ludlow as Representative in Congress from Marion County, Indiana, and who was placed on the Committee on Education and Labor in the House of Representatives, has come out against federal grants to parochial schools. "I am a Roman Catholic," said Mr. Jacobs, "and my three children have been educated in parochial schools. But I do not believe that church schools should get a single cent of tax money. I am even against carrying the pupils in school buses paid for by taxpayers. . . . To my mind, that violates the principles of separation of Church and State." He added that perhaps, on agricultural-economic grounds, church schools might be "cut in on the [free] lunch program," but "certainly not on any educational approach."

## Protestants Propose Cooperation With Catholics on Religious Liberty

CLEVELAND, MAR. 11.—For the first time in history, United Protestantism today was ready to propose world-wide cooperation with the Roman Catholic Church on religious liberty and human rights.

The resolution asking such inter-church co-operation was read at a study conference of 400 Protestant churchmen here, and church leaders said it was certain to be approved today.

The proposal said:

"We believe that the time has come for Protestants and Roman Catholics, at the highest level of leadership in both groups to enter negotiations specifically directed to the issue of religious liberty and related human rights.

"We urge that such consultation be promptly arranged—if possible between the officers of the World Council of Churches and the Vatican—in order that clear understanding be reached as to what each means by religious liberty for all men everywhere and under every form of government, and as to the methods whereby the full observance should be sought."—*Indianapolis Times*, March 11, 1949.



N. A. ROBERTS

Every True American, Whether Young or Old, Will Revere the Flag and Be Sincere in His  
Affection for the Principles of Freedom for Which It Stands



